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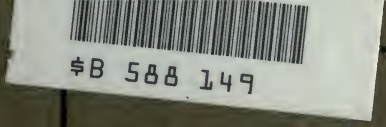

KOREA

TREATIES AND AGREEMENTS

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE
DIVISION OF INTERNATIONAL LAW
PAMPHLET No. 43

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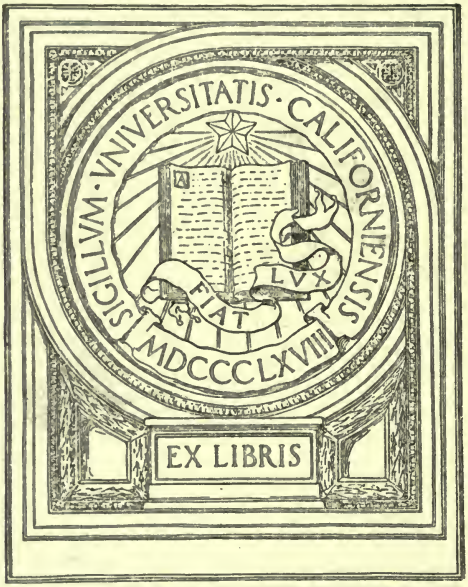

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Pamphlet Series of the
Carnegie Endowment for International Peace
Division of International Law
No. 43

KOREA

TREATIES AND AGREEMENTS

WASHINGTON
PUBLISHED BY THE ENDOWMENT
1921

Replacing accession # 459342

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GIBSON BROS , INC., PRINTERS, WASHINGTON

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NOTE

A Conference on the Limitation of Armament was called on August 11, 1921, by the Government of the United States, to meet in Washington on November 11, 1921, the third anniversary of the signing of the armistice between the victorious Allied and Associated Powers and Germany.

The representatives of the Powers originally invited to the Conference were the British Empire, France, Italy and Japan, for the consideration of the question of the limitation of armament, and China for the discussion of Pacific and Far Eastern Questions. Later, representatives of Belgium, the Netherlands and Portugal were invited to take part in the discussion of questions concerning the Pacific.

The tentative program agreed upon embraces the following subjects:

Limitation of Armament

1. Limitation of naval armament, under which shall be discussed:
   (*a*) Basis of limitation.
   (*b*) Extent.
   (*c*) Fulfillment.
2. Rules for control of new agencies of warfare.
3. Limitation of land armament.

Pacific and Far Eastern Questions

1. Questions relating to China.

First: Principles to be applied.

Second: Application.

Subjects:

   (*a*) Territorial integrity.
   (*b*) Administrative integrity.
   (*c*) Open door—equality of commercial and industrial opportunity.
   (*d*) Concessions, monopolies or preferential economic privileges.
   (*e*) Development of railways, including plans relating to Chinese Eastern Railway.
   (*f*) Preferential railroad rates.
   (*g*) Status of existing commitments.

2. Siberia (similar headings).
3. Mandated islands (unless questions earlier settled).

Electrical communications in the Pacific.

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Under the heading of "Status of Existing Commitments" it is expected that opportunity will be afforded to consider and to reach an understanding with respect to unsettled questions involving the nature and scope of commitments under which claims of rights may hereafter be asserted.

In the belief that the dissemination of information regarding the status of armaments, the collection of official documents throwing light upon the situation in the Pacific, and the furnishing of accurate accounts of the issues involved in some of the more important problems confronting the Conference, would render a service to the public and perhaps even to the delegates to the Conference, the Carnegie Endowment for International Peace has undertaken the preparation and publication of a series of pamphlets of which the present pamphlet is one. The documents have been selected chiefly from John V. A. MacMurray's *Treaties and Agreements with and concerning China,* published in two volumes by the Endowment earlier in the year.

The meeting of so many nations in conference, following upon the close of a great war, is in itself an event of no mean importance. The holding of a conference upon the limitation of armament in succession to the First Hague Peace Conference called to consider the burden of armaments and the means for its decrease, with the possibility of an agreement in conference upon some of the questions of international import in addition to armaments, is an indication that the world is returning to "normalcy" and turning to the experience of The Hague.

That the Conference may be successful in all the phases of its program should be the desire of men and women of good-will in all parts of the world.

JAMES BROWN SCOTT,
Director.

WASHINGTON, D. C.,
October 26, 1921.

CHRONOLOGICAL LIST OF DOCUMENTS

Date	Specifications of Document	Number	Page
September, 1882	CHINA & KOREA (Tributary Kingdom)—Maritime and Overland Trade Regulations...	1	1
April 18, 1885	CHINA & JAPAN—Convention of Tientsin....	2	7
August 1, 1894	JAPAN—Declaration of War against China....	3	8
August 26, 1894	JAPAN & KOREA—Treaty of Alliance.....	4	10
March 30, 1895	JAPAN & CHINA—Convention of Armistice...	5 (note)	19
April 17, 1895	JAPAN & CHINA—Treaty of Peace (with Separate Articles, and Convention to prolong Armistice).....	5	11
May 14, 1896	JAPAN & RUSSIA—Memorandum relative to Korean Affairs.....	6	21
June 9, 1896	JAPAN & RUSSIA—Arrangement relative to Affairs in Korea.....	7	23
April 25, 1898	JAPAN & RUSSIA—Agreement relative to Independence of Korea and Neutral Rights.....	8	24
September 11, 1899	CHINA & KOREA—Treaty of Amity and Commerce.....	9	25
January 30, 1902	GREAT BRITAIN & JAPAN—Agreement relative to China and Korea	10	33
February 10, 1904	JAPAN—Declaration of War against Russia....	16 (note)	52
February 23, 1904	JAPAN & KOREA—Protocol.....	11	36
August 22, 1904	JAPAN & KOREA—Agreement concerning Financial and Diplomatic Advisers for Korea...	12	37
April 1, 1905	JAPAN & KOREA—Agreement for the Transfer of Postal, Telegraph and Telephone Services of Korea to Control of Japan.....	13	38
August 12, 1905	GREAT BRITAIN & JAPAN—Agreement respecting Integrity of China, etc.....	14	40
August 13, 1905	JAPAN & KOREA—Agreement concerning the Coastwise and Inland Waters Navigation of Korea.....	15	44
September 1, 1905	JAPAN & RUSSIA—Protocol of Armistice.....	16 (note)	53
September 5, 1905	JAPAN & RUSSIA—Treaty of Peace.....	16	46
October 30, 1905	JAPAN & RUSSIA—Protocol of Procedure in withdrawing Troops, and transferring Railways.....	16 (note)	54
November 17, 1905	JAPAN & KOREA—Convention providing for Control of Korean Foreign Relations by Japan.....	17	55
October 19, 1906	JAPAN & KOREA—Agreement for Exploitation of Forests in the Yalu and Tumen Regions....	18	56
July 24, 1907	JAPAN & KOREA—Convention concerning the Administration of Korea.....	19	58
July 24, 1907	JAPAN & KOREA—Additional agreement concerning the Administration of Korea.....	19 (note)	59
July 12, 1909	JAPAN & KOREA—Memorandum concerning the Administration of Justice in Korea by Japanese Courts.....	20	60
June 24, 1910	JAPAN—Memorandum concerning the Organization of Police Offices.....	21	61
August 22, 1910	JAPAN & KOREA—Treaty of Annexation, Proclamation, and Communiqué of Embassy of Japan in London	22	64

LIST OF ABBREVIATIONS

Am. Journal Int. Law.....*The American Journal of International Law*, published quarterly for the American Society of International Law.

B. and F. State Papers.....*British and Foreign State Papers*.

China, No. — (year).....British Parliamentary Papers on China, of number and year indicated.

CUSTOMS.....*Treaties, Conventions, etc., between China and Foreign States*, published by order of the Inspector General of Customs (second edition, Shanghai, 1917).

For. Rel......*Foreign Relations of the United States*, published annually under the authority of the Secretary of State.

HERTSLET.....*Hertslet's China Treaties: Treaties, etc., between Great Britain and China, and between China and Foreign Powers, etc.*, (3rd edition, London, 1908).

MACMURRAY.....*Treaties and Agreements with and concerning China, 1894-1919*, by John V. A. MacMurray (New York, 1921).

Recueil.....*Recueil des Documents Diplomatiques concernant l'Extrême-Orient, 1894–1905*, published by the Russian Ministry for Foreign Affairs (St. Petersburg, 1905).

ROCKHILL.....*Treaties and Conventions with or concerning China and Korea, 1895–1904*, edited by W. W. Rockhill (Washington, Government Printing Office, 1904).

Traités et Conventions.....*Traités et Conventions entre l'Empire du Japon et les Puissances Etrangères* (Ministère des Affaires Etrangères; Tokyo, Maruya & Co., publishers, 1908).

No. 1

CHINA AND KOREA

Regulations for maritime and overland trade between Chinese and Korean subjects.[1]*—September, 1882*

All that pertains to the relations of Korea as a boundary State of China has been long ago regulated by fixed rules, and no change is required in this respect. But as now foreign countries entertain trade with Korea by water, it becomes necessary to remove at once the prohibition of sea trade hitherto enforced between China and Korea, and let the merchants of both countries participate in all the advantages of commercial relations; the regulations affecting the exchange of produce on the frontier will also, as time may require, be modified; but the new regulations for the maritime and overland trade now decided upon are understood to apply to the relations between China and Korea only, the former country granting to the latter certain advantages as a tributary Kingdom, and treaty nations are not to participate therein. It is in this sense that the following Articles have been agreed upon:

I.—The Superintendent of Trade at the Northern Ports will hereafter appoint Commissioners of Trade to reside at the open ports of Korea for the special purpose of exercising jurisdiction over Chinese merchants resident there. The said officers will in their dealings with Korean officials be on the footing of perfect equality, and are to be treated with the consideration due to the observance of etiquette. In the event of important cases arising which it may not seem expedient to have settled on their own responsibility in concert with the Korean authorities, they will report such cases to the Superintendent of Northern Trade, who will write to the King of Korea with a view to have instructions forwarded for the guidance of His Government Department. The King of Korea will also depute a high official to reside at Tientsin and detail other officers to proceed to the open ports of China as Government Agents in commercial matters, and such officers are likewise to be treated on a footing of equality in their

[1]Translation from the Chinese text, as printed in CUSTOMS, vol. II, pp. 1521-7.

dealings with the local authorities, viz., the Toat'ai, the Prefect, and the Magistrates of the place. Any special difficulties arising may be submitted for consideration to the Superintendents of Northern and Southern Trade through the Korean high official residing at Tientsin. The expenses attending the maintenance of these Commercial Agents are to be borne by the respective Governments, and no private claims for a maintenance allowance are to be entertained. If any such officer should cause disagreement by persisting to act on his own authority, the Superintendent of Northern Trade will communicate with the King of Korea as to his speedy removal.

II.—In all actions brought by one Chinese subject against another while at a Korean port, the Chinese Commercial Government Agent is to perform the duties of a judge; but apart from this, in all civil and criminal cases, if a Korean subject appears as plaintiff against a Chinese subject as defendant, the Chinese Commercial Government Agent is to arrest the accused and act as judge; if a Chinese subject appears as plaintiff against a Korean subject as defendant, the Korean authorities will hand over the accused to the Chinese Commercial Government Agent for joint investigation and trial according to law. On the other hand, all such civil and criminal cases which may arise with Korean merchants at any of the open ports in China will be tried according to law by the Chinese local authorities, irrespective of the nationality of either the plaintiff or the defendant; at the same time, however, the Korean Government Agent is to be officially informed of the proceedings in the case, and he will be allowed, for the sake of fairness, to appeal to the high authorities for a revision of the verdict on behalf of the Korean subject concerned, should the latter not be satisfied with the decision given. Whenever a Korean subject sues a Chinese subject, either before the Chinese Commercial Agent in Korea or before the local authorities in China, the runners attached to the court are not allowed to claim from the litigant parties however so small a sum under the name of fees sanctioned by custom; and if any breach of this rule becomes known, the officer under whose responsibility the offence is committed will be severely dealt with. If any subject of either of the two contracting countries, who, whether at home or in any of the treaty ports of the other country, has rendered

himself guilty of a crime punishable by the laws of his own country, absconds into the territory of the other of the two countries, it will be the duty of the local authorities to take the necessary steps for the extradition of the criminal, through the nearest Commercial Agent, for punishment by his own authorities as soon as the Commercial Agent concerned informs them of the fact. Such criminals, while being transported from place to place, may be deprived of their personal liberty but not maltreated.

III.—It shall be legal for merchant ships of either country to enter the treaty ports of the other for purposes of trade. The discharge and taking in of cargo and all rules and regulations relating to the levy of maritime customs duties shall be treated in accordance with the regulations fixed upon by each of the two contracting States. Ships running on shore on either coast under stress of weather shall be allowed to anchor at whatever place this may happen, to buy provisions and to have the necessary repairs done; but, while the local authorities shall be charged with the management, all expenses connected therewith shall be borne by the owners of the ship. In cases of wreck the local authorities shall take all the necessary steps in the matter of salvage, and crews and passengers of any such vessels shall be forwarded by them to the Commercial Agent at the nearest port, who will send them on to their homes, so that expenses may be saved on that score. If, however, a merchant ship of either of the two countries which may have so found shelter for repairs should besides carry on clandestine trade at any of the unopened ports, both the vessel and her cargo shall be liable to be seized and confiscated. Excepted therefrom are the coasts of Phyong-an-do and Hwang-hai-do in Korea and of the provinces of Shantung and Liaotung in China, where it shall be legal for the fishing junks of either country to cruise about in the pursuance of their trade. Such fishing boats will be allowed to take in provisions and water in places along the coast, but they are forbidden to carry on trade in merchandise; infringement of this rule will entail confiscation of both the vessel and her cargo. As to offences against the law committed in any such locality, the local authorities will arrest the offender and send him to the nearest Commercial Agent for punishment in accordance with Article II. The fishing tax now leviable on fishing junks of either coun-

try will be in force for two years, at the end of which period negotiations will again take place in this matter.[1]

IV.—The merchants of either country who may proceed to the open ports of the other country for trade will be allowed to rent land or houses and erect buildings, provided that they behave like peaceful citizens and obey the law. All local produce and all goods not coming under the category of contraband shall be allowed to be freely traded in; and while the rate of duties payable on imports and exports and of tonnage dues is to be the one prescribed by the regulations in force at the Custom Houses of either country, merchants who may wish to transport native produce from one port to another will, besides payment of export duty, be charged on reimportation half the amount shown by the Customs document to have been paid as export duty. While Korean merchants are by rule allowed to trade at Peking, and while Chinese merchants are allowed to keep up establishments at Yang-hua-chin and Seoul in Korea, they are not allowed to send merchandise to the interior to be there exhibited in shops or sold. If a merchant of either nationality be desirous to go to the interior for the purchase of native goods, he is to apply to the Commercial Agent of his country, who, conjointly with the local authorities, will issue a certificate specifying the place of purchase, which will authorise the merchant named therein to hire on his own account whatever carts, horses, or boats may be required for the carriage of his goods, while all the local taxes and duties payable *en route* have to be defrayed by him. Passports for permission to travel in the interior for other than mercantile purposes must be applied for in the same manner, and nobody is to proceed on any such journeys without a passport. In all cases of offences against the law being committed at any place in the interior, the local authorities shall forward the offender to the nearest treaty port for punishment in accordance with the stipulations set forth in the second of these Regulations, and meanwhile the offender may be deprived of his personal liberty but not maltreated.

V.—In consideration of the numerous difficulties arising from the authority exercised by local officials over the legal traffic at

[1]It is calculated that every year a thousand Shantung fishermen clandestinely resort to the Great and Small Ch'ing Islands in the Hwang-hai-do in Korea, on account of the fish being frightened away by passing steamers from their coast to the opposite shore.

such places on the boundary as I-chou, Hui-ning, and Ch'ing-yüan, it has now been decided that the people on the frontier shall be free to go to and fro and trade as they please at Ts'ê-mên and I-chou on the two sides of the Ya-lu River, and at Hun-ch'un and Hui-ning on the two sides of the T'u-mên River. In either country it will be only at the markets named above as open where Customs stations are to be established, with authority to deal with smugglers and outlaws and collect duties. The latter are to be levied at the rate of five per cent. *ad valorem* on all goods, without distinction of imports and exports, with the exception of red ginseng.

The charges formerly made on account of board and lodging, supply of provisions, reception, and escort are to be discontinued.

All offences committed among the frontier population in which money or property in general is concerned are still to be dealt with by the respective local authorities in accordance with the existing laws.

The details of the rules [applying to frontier traffic] will be submitted to the Throne for decision, after having been discussed and drawn up on the spot by special officers to be deputed for the purpose by the Superintendent of Northern Trade and the King of Korea.

VI.—Merchants of either country, whether at any of the ports or at the frontier line, are alike forbidden to transport or sell foreign or native opium and munitions of war. Any breach of this rule will on discovery be severely punished. As to red ginseng, Korean merchants are by regulation allowed to take it into the Chinese territory on payment of an *ad valorem* duty of fifteen per cent.; but if a Chinese merchant should be found to clandestinely carry such red ginseng out of Korea without a special license from the Korean Government, the goods will be liable to confiscation.

VII.—The traffic between the two countries which has hitherto moved on the post road along the overland route of Ts'ê-mên [palisade gates?] has been extremely troublesome in respect to travelling comfort; and now that the prohibition against sea traffic has been withdrawn, traffic by sea, as the more convenient route, would of course be permitted. But as Korea does not yet possess ships of war or mercantile steamers, the King should apply to the Superintendent of Northern Trade for the tempo-

rary loan of a China Merchants' Company's steamer to make trips to Korea and return to China at a fixed date once every month, the Korean Government to assist in defraying the expenses thereof. If, apart from this, Chinese men-of-war cruise about in Korean waters and anchor at any of the Korean ports in the interest of the country's safety, no supplies will be required from the local authorities for the maintenance of such vessels, and whatever expenses may arise from the purchase of provisions are to be borne by the men-of-war themselves. All officers of such men-of-war, from the captain downward, are to be treated on a footing of equality by the local officials of Korea; and the former will be careful to restrain the sailors while on shore from creating the slightest trouble with the population.

VIII.—The Trade Regulations now decided upon are confined to the main points and do not extend to details, and the officials and people of both nations are for the present to comply carefully with such rules as are contained in them. Whatever points may have to be enlarged upon or cancelled in the future will be discussed and settled by correspondence between the Superintendent of Northern Trade and the King of Korea, whereupon supplementary rules will be submitted to the Throne and put into force after having obtained the Imperial sanction.

(Signed) LI,
Imperial Officiating Superintendent of Northern Trade, Viceroy of Chihli, etc.

(Signed) CHOU FU,
Taot'ai of Tientsin, etc.

(Signed) MA KIEN-CHUNG,
Expectant Taot'ai, etc.

(Signed) CHAO NING-HSIA,
Korean Envoy.

(Signed) CHIN HUNG-CHI,
Assistant Envoy.

(Signed) YU YUN CHUNG,
Wên-i-kuan.

September, 1882.

No. 2

CHINA AND JAPAN

Convention of Tientsin.[1]*—April 18, 1885*

Ito, Ambassador Extraordinary of the Great Empire of Japan, Minister of State and of the Imperial Household, First Class of the Order of the Rising Sun, and Count of the Empire;

Li, Special Plenipotentiary of the Great Empire of China, Grand Guardian of the Heir Apparent, Senior Grand Secretary of State, Superintendent of the North Sea Trade, President of the Board of War, Viceroy of Chihli, and Count Shinu-ki of the First Rank;

In obedience to the decrees which each of them respectively is bound to obey, after conference held, have agreed upon a Convention with a view to preserving and promoting friendly relations (between the two Great Empires), the articles of which are set down in order as follows:

It is hereby agreed that China shall withdraw her troops now stationed in Korea, and that Japan shall withdraw hers stationed therein for the protection of her Legation. The specific term for effecting the same shall be four months, commencing from the date of the signing and sealing of this Convention, within which term they shall respectively accomplish the withdrawal of the whole number of each of their troops, in order to avoid effectively any complications between the respective countries: the Chinese troops shall embark from Masan-po, and the Japanese from the port of Ninsen.

The said respective Powers mutually agree to invite the King of Korea to instruct and drill a sufficient armed force, that she may herself assure her public security, and to invite him to engage into his service an officer or officers from amongst those of a third Power, who shall be entrusted with the instruction of the said force. The respective Powers also bind themselves, each to the other, henceforth not to send any of their own officers to Korea for the purpose of giving said instruction.

In case any disturbance of a grave nature occurring in Korea which necessitates the respective countries, or either of them, to send troops to Korea, it is hereby understood that they shall

[1]Translation from the Chinese text, as printed in CUSTOMS, vol. II, pp. 1316-7.

give, each to the other, previous notice in writing of their intention so to do, and that after the matter is settled they shall withdraw their troops and not further station them there.

Signed and sealed this 18th day of the 4th month of the 18th year of Meiji (Japanese calendar).

The 4th day of the 3rd moon of the 11th year of Kōcho (Chinese calendar).

(Signed and sealed) ITO,
Ambassador Extraordinary of the Great Empire of Japan, etc., etc., etc.

(Signed and sealed) LI,
Special Plenipotentiary of the Great Empire of China, etc., etc., etc.

No. 3

JAPAN

Declaration of war against China.—August 1, 1894

IMPERIAL RESCRIPT

We, by the Grace of Heaven, Emperor of Japan, seated on a Throne occupied by the same dynasty from time immemorial, do hereby make proclamation to all our loyal and brave subjects as follows:

We hereby declare war against China and We command each and all of Our competent authorities, in obedience to Our wish and with a view to the attainment of the national aim, to carry on hostilities by sea and by land against China, with all the means at their disposal consistently with the Law of Nations.

During the past three decades of Our reign, our constant aim has been to further the peaceful progress of the country in civilization; and being sensible of the evils inseparable from complications with foreign States, it has always been our pleasure to instruct our Ministers of State to labor for the promotion of

friendly relations with our Treaty Powers. We are gratified to know that the relations of Our Empire with those Powers have yearly increased in good will and in friendship. Under the circumstances we were unprepared for such a conspicuous want of amity and of good faith as has been manifested by China in her conduct towards this country in connection with Korean affair.

Korea is an independent State. She was first introduced into the family of nations by the advice and under the guidance of Japan. It has, however, been China's habit to designate Korea as her dependency, and openly and secretly to interfere with her domestic affairs. At the time of the recent civil insurrection in Korea, China dispatched troops thither, alleging that her purpose was to afford succour to her dependent State. We, in virtue of the treaty concluded with Korea in 1882, and looking to possible emergencies, caused a military force to be sent to that country.

Wishing to procure for Korea freedom from the calamity of perpetual disturbance, and thereby to maintain the peace of the East in general, Japan invited China's cooperation for the accomplishment of that object. But China, advancing various pretexts, declined Japan's proposal. Thereupon, Japan advised Korea to reform her administration so that order and tranquility might be preserved at home, and so that the country might be able to discharge the responsibilities and duties of an independent State abroad. Korea has already consented to undertake the task. But China has secretly and insidiously endeavoured to circumvent and to thwart Japan's purpose. She has, further procrastinated, and endeavoured to make warlike preparations both on land and at sea. When those preparations were completed, she not only sent large reenforcements to Korea, with a view to the forcible attainment of her ambitious designs, even carried her arbitrariness to the extent of opening fire upon Our ships in Korean waters. China's plain object is to make it uncertain where the responsibility resides of preserving peace and order in Korea, and not only to weaken the position of that State in the family of nations—a position obtained for Korea through Japan's efforts—but also to obscure the significance of the treaties recognizing and confirming that position. Such conduct on the part of China is not only a direct injury to the rights and in-

terests of this Empire; but also a menace to the permanent peace and tranquility of the Orient. Judging from her actions, it must be concluded that China, from the beginning, has been bent upon sacrificing peace to the attainment of her sinister object. In this situation, ardent as Our wish is to promote the prestige of the country abroad by strictly peaceful methods, We find it impossible to avoid a formal declaration of war against China. It is Our earnest wish that, by the loyalty and valor of our faithful subjects, peace may soon be permanently restored and the glory of the Empire be augmented and completed.

Given this 1st day of the eighth month of the 27th year of the Meiji.

(SIGN MANUAL).

(Countersignatures
of Minister President of
State and other Ministers).

No. 4

JAPAN AND KOREA

Treaty of alliance.[1]*—August 26, 1894*

In view of the fact that on the 25th of July, 1894, the Korean Government entrusted His Imperial Majesty's Envoy Extraordinary and Minister Plenipotentiary at Sĕul, Korea, with the expulsion, on their behalf, of Chinese soldiers from Korean territory, the Governments of Japan and Korea have been placed in a situation to give mutual assistance both offensive and defensive. Consequently the undersigned Plenipotentiaries, duly authorized by their respective Governments, have, with a view of defining the fact and of securing in the premises concerted action on the part of the two countries, agreed to the following Articles:

ARTICLE I. The object of the alliance is to maintain the Independence of Korea on a firm footing and to promote the respective interests of both Japan and Korea by expelling Chinese soldiers from Korean territory.

[1]Translation as printed in ROCKHILL, p. 429. In connection with this treaty, see convention for the retrocession of the southern portion of F ngtien, November 8, 1895 (MACMURRAY, vol. I, p. 50).

ART. II. Japan will undertake all warlike operations against China, both offensive and defensive, while Korea will undertake to give every possible facility to Japanese soldiers regarding their movements and supply of provisions.

ART. III. This treaty shall cease and determine at the conclusion of a Treaty of Peace with China.

In witness whereof, the Plenipotentiaries of the two countries, have signed the treaty and hereunto affixed their seals.

Done at Sŏul this 26th day of August, 1894.

KEISUKE OTORI,
H. I. J. M's. Envoy Extraordinary and Minister Plenipotentiary

KIM IN SHIOUKU,
H. K. M's. Minister for Foreign Affairs.

No. 5

JAPAN AND CHINA

Treaty of peace (with separate articles and Convention to prolong Armistice).[1]*—April 17, 1895*

His Majesty the Emperor of China and His Majesty the Emperor of Japan, desiring to restore the blessings of peace to their countries and subjects and to remove all cause for future complications, have named as their Plenipotentiaries for the purpose of concluding a Treaty of peace; that is to say, His Majesty the Emperor of China, Li Hung-chang, Senior Tutor to the Heir Apparent, Senior Grand Secretary of State, Minister Superintendent of Trade for the Northern Ports of China, Viceroy of the Province of Chihli, and Earl of the First Rank, and Li Ching-fong, Ex-Minister of the Diplomatic Service, of the Second Official Rank;

And His Majesty the Emperor of Japan, Count Ito Hirobumi, Junii, Grand Cross of the Imperial Order of Paullownia, Minister President of State, and Viscount Mutsu Munemitsu, Junii, First

[1] MACMURRAY, vol. I, p. 18. Printed also in ROCKHILL, p. 14; in CUSTOMS, vol. II, p. 590; *Traits et conventions*, p. 209; HERTSLET, p. 362; *Recueil*, p. 1; *Am. Journal Int. Law*, Supplement, 1907, p. 378. See No. 3, *ante*.

Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs;

Who, after having exchanged their full powers, which were found to be in good and proper form, have agreed to the following Articles:

ARTICLE I.—*Independence of Korea.*—China recognizes definitely the full and complete independence and autonomy of Korea, and in consequence the payment of tribute and the performance of ceremonies and formalities by Korea to China, in derogation of such independence and autonomy, shall wholly cease for the future.

ARTICLE II.—*Cession of part of Fêngtien Province.*—China cedes to Japan in perpetuity and full sovereignty the following territories, together with all fortifications, arsenals, and public property thereon:

(*a*) The southern portion of the province of Fengtien, within the following boundaries:

The line of demarcation begins at the mouth of the River Yalu and ascends that stream to the mouth of the River An-ping; from thence the line runs to Fêng-huang; from thence to Haicheng; from thence to Ying-kow, forming a line which describes the southern portion of the territory. The places above named are included in the ceded territory. When the line reaches the River Liao at Ying-kow, it follows the course of that stream to its mouth where it terminates. The mid-channel of the River Liao shall be taken as the line of demarcation.

This cession also includes all islands appertaining or belonging to the province of Fêngtien, situated in the eastern portion of the Bay of Liao-tung and in the northern part of the Yellow Sea.

(*b*) The island of Formosa, together with all islands appertaining or belonging to said island of Formosa.

(*c*) The Pescadores Group, that is to say, all islands lying between the 119th and 120th degrees of longitude east of Greenwich and the 23rd and 24th degrees of north latitude.

ARTICLE III.—*Delimitation of ceded territory.*—The alignments of the frontiers described in the preceding Article and shown on the annexed map,[1] shall be subject to the verification

[1] HERTSLET notes that the map was not published, Article III of the treaty having been suppressed by the terms of the convention of November 8, 1895 (MACMURRAY, vol. I, p. 50).

and demarcation on the spot, by a Joint Commission of Delimitation consisting of two or more Chinese and two or more Japanese Delegates to be appointed immediately after the exchange of the ratifications of this Act. In case the boundaries laid down in this act are found to be defective at any point, either on account of topography or in consideration of good administration, it shall also be the duty of the Delimitation Commission to rectify the same.

The Delimitation Commission will enter upon its duties as soon as possible and will bring its labors to a conclusion within the period of one year after appointment.

The alignments laid down in this Act shall, however, be maintained until the rectifications of the Delimitation Commission, if any are made, shall have received the approval of the Governments of China and Japan.

ARTICLE IV.—*War Indemnity to Japan.*—China agrees to pay to Japan as a war indemnity the sum of 200,000,000 Kuping Taels. The said sum is to be paid in eight installments. The first installment of 50,000,000 Taels to be paid within six months, and the second installment of 50,000,000 Taels to be paid within twelve months after the exchange of the ratifications of this Act. The remaining sum to be paid in six equal annual installments, as follows: The first of such equal annual installments to be paid within two years; the second within three years; the third within four years; the fourth within five years; the fifth within six years, and the sixth within seven years, after the exchange of the ratifications of this Act. Interest at the rate of *5 per centum per annum* shall begin to run on all unpaid portions of the said indemnity from the date the first installment falls due.

China shall, however, have the right to pay by anticipation at any time any or all of said installments. In case the whole amount of the said indemnity is paid within three years after the exchange of the ratifications of the present Act, all interest shall be waived and the interest for two years and a half or for any less period if then already paid, shall be included as a part of the principal amount of the indemnity.

ARTICLE V.—*Inhabitants of ceded territory.*—The inhabitants of the territory ceded to Japan, who wish to take up their residence outside the ceded districts shall be at liberty to sell their real property and retire.

For this purpose a period of two years from the date of the exchange of the ratifications of the present Act, shall be granted. At the expiration of that period those of the inhabitants who shall not have left such territories shall at the option of Japan, be deemed to be Japanese subjects.

Each of the two Governments shall immediately upon the exchange of the ratifications of the present Act, send one or more Commissioners to Formosa to effect a final transfer of that Province and within the space of two months after the exchange of the ratifications of this Act, such transfer shall be completed.

ARTICLE VI.—*Treaty of commerce and navigation to be negotiated.*—All treaties between China and Japan having come to an end in consequence of war, China engages immediately upon the exchange of the ratifications of this Act, to appoint Plenipotentiaries to conclude, with the Japanese Plenipotentiaries, a Treaty of Commerce and Navigation[1] and a Convention to regulate Frontier Intercourse and Trade. The Treaties, Conventions, and Regulations now subsisting between China and European Powers shall serve as a basis for the said Treaty and Convention between China and Japan. From the date of the exchange of the ratifications of this Act until the said Treaty and Convention are brought into actual operation, the Japanese Government; its officials; commerce; navigation; frontier intercourse and trade; industries; ships, and subjects, shall, in every respect, be accorded by China most-favored-nation treatment.

China makes in addition the following concessions, to take effect six months after the date of the present Act:

1st.—*Opening of new localities in China to trade.*[2]—The following cities, towns, and ports, in addition to those already opened, shall be opened to the trade, residence, industries, and manufactures of Japanese subjects, under the same conditions and with the same privileges and facilities as exist at the present open cities, towns, and ports of China.

(1) Shashih, in the province of Hupeh.

(2) Chungking, in the province of Szechuan.

[1]For treaty of commerce and navigation, concluded July 21, 1896, see MACMURRAY, vol. I, p. 68.

[2]In connection with this article, see the protocol concerning Japanese settlements, etc., October 19, 1896 (*ibid.*, p. 91), and attached note giving the agreement for the establishment of a Japanese settlement at Shashi, August 18, 1898, *ibid.*, p. 92.

(3) Suchow, in the province of Kiangsu.

(4) Hang-chow, in the province of Chekiang.

The Japanese Government shall have the right to station Consuls at any or all of the above-named places.

2nd.—*Navigation on Chinese inland waters.*—Steam navigation for vessels under the Japanese flag for the conveyance of passengers and cargo shall be extended to the following places:

(1) On the upper Yangtsze River, from I-chang to Chung-king.

(2) On the Woo-sung River and the Canal, from Shanghai to Su-chow and Hang-chow. The Rules and Regulations which now govern the navigation of the inland waters of China by foreign vessels shall, so far as applicable, be enforced in respect of the above-named routes until new Rules and Regulations are conjointly agreed to.

3rd.—*Renting warehouses.*—Japanese subjects purchasing goods or produce in the interior of China or transporting imported merchandise into the interior of China, shall have the right temporarily to rent or hire warehouses for the storage of the articles so purchased or transported, without the payment of any taxes or exactions whatever.

4th.—*Right to manufacture in open localities.*—Japanese subjects shall be free to engage in all kinds of manufacturing industries in all the open cities, towns, and ports of China, and shall be at liberty to import into China all kinds of machinery paying only the stipulated duties thereon.

All articles manufactured by Japanese subjects in China, shall in respect of inland transit and internal taxes, duties, charges and exactions of all kinds and also in respect of warehousing and storage facilities in the interior of China, stand upon the same footing and enjoy the same privileges and exemptions as merchandise imported by Japanese subjects into China.

In the event additional Rules and Regulations are necessary in connection with these concessions, they shall be embodied in the Treaty of Commerce and Navigation provided for by this Article.

ARTICLE VII.—*Evacuation of China.*—Subject to the provisions of the next succeeding Article, the evacuation of China by the armies of Japan, shall be completely effected within three

months after the exchange of the ratifications of the present Act.

ARTICLE VIII.—*Temporary military occupation of Wei-hai-wei. Its evacuation.*—As a guarantee of the faithful performance of the stipulations of this Act, China consents to the temporary occupation by the military forces of Japan, of Wei-hai-wei in the Province of Shantung.

Upon the payment of the first two installments of the war indemnity herein stipulated for and the exchange of the ratifications of the Treaty of Commerce and Navigation, the said place shall be evacuated by the Japanese forces, provided the Chinese Government consent to pledge, under suitable and sufficient arrangements, the Customs Revenue of China as a security for the payment of the principal and interest of the remaining installments of said indemnity. In the event no such arrangements are concluded, such evacuation shall only take place upon the payment of the final installment of said indemnity.

It is, however, expressly understood that no such evacuation shall take place until after the exchange of the ratifications of the Treaty of Commerce and Navigation.

ARTICLE IX.—*Prisoners of war.*—Immediately upon the exchange of the ratifications of this Act, all prisoners of war then held shall be restored and China undertakes not to ill-treat or punish prisoners of war so restored to her by Japan. China also engages to at once release all Japanese subjects accused of being military spies or charged with any other military offenses. China further engages not to punish in any manner nor to allow to be punished, those Chinese subjects who have in any manner been compromised in their relations with the Japanese army during the war.

ARTICLE X.—*Cessation of military operations.*—All offensive military operations shall cease upon the exchange of the ratifications of this Act.

ARTICLE XI.—The present Act shall be ratified by their Majesties the Emperor of China and the Emperor of Japan, and the ratifications shall be exchanged at Chefoo, on the 14th day of the 4th month of the 21st year of Kwang Hsü, corresponding to the 8th day of the 5th month of the 28th year of Meiji, (May 8th, 1895.)[1]

[1]Ratifications exchanged at Chefoo, May 8, 1895.

In witness whereof, the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Shimonoseki, in duplicate, this 23d day of the 3d month of the 21st year of Kwang Hsü, corresponding to the 17th day of the 4th month of the 28th year of Meiji. (April 17th, 1895.)

LI HUNG CHANG. [L. S.]

Plenipotentiary of His Majesty the Emperor of China, Senior Tutor of the Heir Apparent, Senior Grand Secretary of State, Minister Superintendent of Trade for the North Ports of China, Viceroy of the Province of Chihli, and Earl of the First Rank.

LI CHING FONG.

Plenipotentiary of His Majesty the Emperor of China, Ex-Minister of the Diplomatic Service, of the Second Official Rank.

COUNT ITO HIROBUMI. [L. S.]

Junii, Grand Cross of the Imperial Order of Paullownia, Minister President of State, Plenipotentiary of His Majesty the Emperor of Japan.

VISCOUNT MUTSU MUNEMITSU. [L. S.]

Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs, Plenipotentiary of His Majesty the Emperor of Japan.

SEPARATE ARTICLES

ARTICLE I.—*Military force to occupy Wei-hai-wei.*—The Japanese military forces which are, under Article VIII of the treaty of peace signed this day, to temporarily occupy Wei-hai-wei, shall not exceed one Brigade and from the date of the exchange of the ratifications of the said treaty of peace, China shall pay annually, one-fourth of the amount of the expenses of such temporary occupation that is to say, at the rate of 500,000 Kuping Taels per annum.

ARTICLE II.—*Territory occupied at Wei-hai-wei.*—The territory temporarily occupied at Wei-hai-wei shall comprise the island of Liu-kung and a belt of land 5 Japanese Ri wide along the entire coast line of the Bay of Wei-hai-wei.

No Chinese troops shall be permitted to approach or occupy any place within a zone of 5 Japanese Ri wide beyond the boundaries of the occupied territory.

ARTICLE III.—*Chinese to retain civil administration.*—The civil administration of the occupied territory shall remain in the hands of the Chinese Authorities. But such Authorities shall at all times be obliged to conform to the orders which the Commander of the Japanese Army of occupation may deem it necessary to give in the interest of the health, maintenance, safety, distribution or discipline of the Troops.

All military offences committed within the occupied territory shall be subject to the jurisdiction of the Japanese Military Authorities.

The foregoing Separate Articles shall have the same force, value and effect as if they had been, word for word, inserted in the Treaty of Peace signed this day.

In witness whereof, the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Shimonoseki, in duplicate, this 23rd day of the third month of the 21st year of Kuang Hsü, corresponding to the 17th day of the 4th month of the 28th year of Meiji. (April 17th, 1895.)

(Signatures (4) and titles, same as in Treaty.)

CONVENTION TO PROLONG ARMISTICE

The undersigned (insert here names and titles of the 2 Chinese Plenipotentiaries, as in Preamble of Treaty) Plenipotentiaries of His Majesty the Emperor of China, and (insert here names and titles of 2 Japanese Plenipotentiaries as in Preamble of Treaty) Plenipotentiaries of His Majesty the Emperor of Japan, having concluded a Treaty of Peace, have, in order to provide for the peaceful exchange of the ratifications of said Treaty, agreed upon and signed the following Articles:

I.—*Armistice.*—The Convention of Armistice concluded on the 5th day of the 3rd month of the 21st year of Kwang Hsü, corresponding to the 30th day of the 3d month of the 28th year of Meiji,[1] is prolonged for the period of 21 days from this date.

[1]See note to this document, *post*, p. 19.

II.—The armistice, which is prolonged by this Convention, shall terminate, without notice on either side, at midnight on the 14th day of the 4th month of the 21st year of Kwang Hsü‘ corresponding to the 8th day of the 5th month of the 28th year of Meiji. The rejection in the meantime, however, of the said Treaty of Peace, by either High Contracting Party, shall have the effect of at once terminating this Armistice without previous notice.

In witness whereof the Plenipotentiaries of China and Japan have hereunto set their hands and affixed their seal.

Done at Shimonoseki, this 23rd day of the 3rd month of the 21st year of Kuang Hsü, corresponding to the 17th day of the 4th month of the 28th year of Meiji. (April 17th, 1895.)

(Signatures (4) and titles, same as in Treaty.)

Note

The English version of this armistice, signed at Shimonoseki, March 30, 1895, is given as follows in CUSTOMS, vol. II, p. 599:

Convention of Armistice between Japan and China.—March 30, 1895

"His Majesty the Emperor of Japan having, in view of the untoward event which temporarily interrupted the depending negotiations for peace, commanded His Plenipotentiaries to consent to a temporary Armistice, the undersigned, Count ITO HIROBUMI, Junii, Grand Cross of the Imperial Order of Paullownia, Minister President of State, and Viscount MUTSU MUNEMITSU, Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs, the Plenipotentiaries of His Majesty the Emperor of Japan; and LI HUNG-CHANG, Plenipotentiary of His Majesty the Emperor of China, Senior Tutor to the Heir Apparent, Senior Grand Secretary of State, Minister Superintendent of Trade for the Northern Ports of China, Viceroy of the province of Chihli, and Earl of the First Rank, have concluded the following Convention of Armistice:

"ARTICLE I. The Imperial Governments of Japan and China agree to enforce an Armistice between their respective military and naval forces, in the provinces of Fêngtien, Chihli, and Shantung, subject to the provisions contained in the following Articles.

"ART. II. The forces affected by this Armistice shall have the right to maintain the positions respectively occupied by them at the time hostilities are actually suspended, but they shall not under any circumstances during the existence of this Armistice advance beyond such positions.

"ART. III. The two Governments engage during the existence of this Convention not to extend, perfect, or advance their attacking works, or to reinforce or in anywise to strengthen, either for offensive or defensive operations, their confronting military lines. But this engagement shall not prevent either Government from making any new distribution or arrange-

ment of troops not intended to augment or strengthen the armies now actually in the field and engaged in active military operations.

"ART. IV. The movement of troops and the transportation of military supplies and all other contraband of war by sea shall be subject to the ordinary rules of war, and shall consequently be liable to hostile capture.

"ART. V. This Armistice shall be enforced by the Imperial Governments of Japan and China for the period of 21 days from the date of the signature of this Convention.

"In those localities occupied by the troops of the two Governments to which there is no telegraphic communication, the quickest possible means shall be employed in issuing the orders for the Armistice, and the respective Commanders of the two countries shall, upon receipt of such orders, announce the fact to each other and take steps to enforce the Armistice.

"ART. VI. This Armistice shall terminate, without notice on either side, at midday on the 20th day of the 4th month of the 28th year of MEIJI, corresponding to the 26th day of the 3rd month of the 21st year of KUANG Hsü. If in the meantime the depending negotiations for peace are broken off, this Armistice shall in that case terminate at the same time such negotiations cease.

"In witness whereof the Plenipotentiaries of Japan and China have hereunto set their hands and affixed their seals.

"Done at Shimonoseki, Japan, this 30th day of the 3rd month of the 28th year of MEIJI, corresponding to the 5th day of the 3rd month of the 21st year of KUANG Hsü.

"COUNT HIROBUMI ITO, [L. S.]
Junii, Grand Cross of the Imperial Order of Paullownia, Minister President of State, Plenipotentiary of His Majesty the Emperor of Japan.

"VISCOUNT MUTSU MUNEMITSU, [L. S.]
Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs, Plenipotentiary of His Majesty the Emperor of Japan.

"LI HUNG-CHANG, [L. S.]
Plenipotentiary of His Majesty the Emperor of China, Senior Tutor to the Heir Apparent, Senior Grand Secretary of State, Minister Superintendent of Trade for the Northern Ports of China, Viceroy of the province of Chihli, and Earl of the First Rank."

No. 6

JAPAN AND RUSSIA

Memorandum signed by the Japanese and Russian representatives, relative to Korean affairs.[1]*—May 14, 1896*

The Representatives of Russia and Japan at Söul, having conferred under the identical instructions from their respective Governments, have arrived at the following conclusions:

ARTICLE I. While leaving the matter of His Majesty the King of Korea's return to the palace entirely to his own discretion and judgment, the representatives of Russia and Japan will friendly advise his Majesty to return to that place when no doubts concerning his safety could be entertained.

The Japanese representative on his part gives the assurance that the most complete and effective measures will be taken for the control of Japanese *soshi.*

ART. II. The present Cabinet Ministers have been appointed by his Majesty of his own free will, and most of them held Ministerial or other high offices during the last two years and are known to be liberal and moderate men. The two Representatives will always aim at recommending his Majesty to appoint liberal and moderate men as Ministers, and to show clemency to his subjects.

ART. III. The Representative of Russia quite agrees with the Representative of Japan that in the present state of affairs in Korea it may be necessary to have Japanese guards stationed at some places for the protection of the Japanese telegraph line between Fusan and Söul, and that these guards, now consisting of three companies of soldiers, should be withdrawn as soon as possible and replaced by gendarmes who will be distributed as follows:

Fifty men at Taiku, 50 men at Kaheung, and 10 men each at 10 intermediate posts between Fusan and Söul. This distribution may be liable to some changes, but the total number of the gendarmes force shall never exceed 200 men, who will afterwards

[1]Text as printed in ROCKHILL, p. 430, from *British and Foreign State Papers,* vol. 88, pp. 472-3. In connection with this agreement see also the agreement for the transfer of postal, telegraph and telephone services of Korea to control of Japan, April 1, 1905 (No. 13, *post*); agreement concerning the coastwise and inland waters navigation of Korea, August 13, 1905 (No. 15, *post*); convention providing for control of Korean foreign relations by Japan, November 17, 1905 (No. 17, *post*); agreement for exploitation of forests in the Yalu and Tumen regions, October 19, 1906 (No. 18, *post*).

gradually be withdrawn from such places where peace and order have been restored by the Korean Government.

ART. IV. For the protection of the Japanese settlements at Söul and the open ports against possible attacks by the Korean populace, two companies of Japanese troops may be stationed at Söul, one company at Fusan and one at Gensan, each company not to exceed 200 men. These troops will be quartered near the Settlements, and shall be withdrawn as soon as no apprehension of such attacks could be entertained.

For the protection of the Russian Legation and Consulates, the Russian Government may also keep guards not exceeding the number of Japanese troops at these places, and which will be withdrawn as soon as tranquillity in the interior is completely restored.

SÖUL, *May 14, 1896.*

C. WAEBER,
Representative of Russia.

KOMURA,
Representative of Japan.

Note

The following is a translation from the French text of a Note of the Korean Minister of State for Foreign Affairs to the Minister of Japan, M. Kato, under date of March 9, 1897:

Note of the Minister of State for Foreign Affairs of Korea to the Minister of Japan.—March 9, 1897.

March 9th, 2 year of Kun-yang (1897)

MR. MINISTER,

I have the honor to acknowledge the receipt of your note of the 2nd instant informing me that on the 14th of last May, a Memorandum was signed at Seoul by H. E. Mr. Komura, formerly Minister Resident of Japan, and the Russian Minister, and that, on the 9th of June of the same year, an Agreement was signed at Moscow by H. E. Marshal Yamagata, Ambassador of Japan, and the Minister for Foreign Affairs of Russia, and that the two documents have been publicly submitted to the Imperial Diet.

You further inform me that on the 26th ultimo you received a telegram from your Government stating that the above-mentioned Agreement and the Memorandum must not affect in any way Korea's independence, which the Governments of Japan and Russia have had in view, but that on the contrary their object is to strengthen it, and you confidently express the hope that my Government will not fail to fully appreciate this intention.

In carrying out the telegraphic instructions which you have received from the Imperial Minister for Foreign Affairs you enclose me copies of

these Agreements. I beg that you will accept my sincere thanks for your note and for the information it contains. I must call your attention on the other hand to the fact that as my Government has not been a party to these Agreements, its liberty of action, as an independent State, cannot be restricted by their provisions.

I have the honor, etc., etc., etc.,

YE WAN-YONG,
Minister of State for Foreign Affairs.

No. 7

JAPAN AND RUSSIA

Arrangement relative to affairs in Korea.[1]*—June 9, 1896*

PROTOCOL

The Secretary of State, Prince Lobanoff Rostovsky, Minister of Foreign Affairs for Russia, and the Marshal Marquis Yamagata, Ambassador Extraordinary of his Majesty the Emperor of Japan, having exchanged views on the situation of Korea, have concluded the following articles:

ARTICLE I. The Russian and Japanese Governments, with a view of remedying the financial embarrassment of Korea, will advise the Korean Government to suppress all useless expenditure, and to establish an equilibrium between the expenses and the revenue. If, as the result of admittedly indispensable reforms, it should become necessary to have recourse to foreign loans, the two Governments will lend by mutual accord their assistance to Korea.

ART. II. The Russian and Japanese Governments will endeavour to leave to Korea, so far as the financial and economical situation of that country will permit them to do so, the creation and maintenance of an armed force and of a native police in sufficient proportions to maintain internal order without foreign aid.

ART. III. With the view of facilitating communications with Korea, the Japanese Government will continue to administer the telegraph lines which are at the present moment in its hands.

[1]Text as printed in ROCKHILL, p. 432, from *Journal de St. Pétersbourg,* February 13/25, 1897. See also *British and Foreign State Papers,* vol. 88, pp. 471-2; the Russian *Communiqué Officiel concernant la Corée,* in Russian Foreign Office's *Recueil de Traités,* etc., 161.

Russia reserves the right to establish a telegraph line from Söul to her own frontier.

These different lines may be bought back by the Korean Government as soon as it has the means of doing so.

ART. IV. In the event of any of the principles herein set forth requiring a more precise and more detailed definition; or if other points should arise on which it would be necessary to agree, the Representatives of the two Governments shall be charged to consider the matter in a friendly sense.

Done at Moscow, May 28 (June 9), 1896.

LOBANOFF.
YAMAGATA.

No. 8

JAPAN AND RUSSIA

Agreement relative to independence of Korea and neutral rights.[1]*—April 25, 1898*

Baron Rosen, State Councillor, Chamberlain, Envoy Extraordinary and Minister Plenipotentiary of the Emperor of All the Russias, and Baron Nissi, Minister for Foreign Affairs of His Majesty the Emperor of Japan, in order to give effect to Article IV, of the Protocol signed at Moscow on May 28/June 9, 1896, between the Secretary of State Prince Lobanoff and the Marquis Yamagata—being duly authorised to that effect, have agreed to the followine Articles:

ARTICLE I. The Imperial Governments of Russia and Japan recognize definitely the Sovereignty and entire independence of Korea, and pledge themselves mutually to abstain from all direct interference in the internal affairs of that country.

ART. II. Desiring to remove all possible cause of misunderstanding in the future, the Imperial Governments of Russia and Japan pledge themselves mutually, in the event of Korea having recourse to the advice and assistance, either of Russia or of Japan,

[1]Translation as given in ROCKHILL, p. 433, from the French text as printed in *British and Foreign State Papers,* vol. 92, p. 1068.
This document is called a Protocol by the Russian Government; in the Russian Foreign Office's *Recueil de Traités,* etc., a *Communciation Officielle* precedes the text of the Agreement (365).

to take no measure in respect to the appointment of military instructors or financial advisers, without arriving beforehand at a mutual agreement on this subject.

ART. III. In view of the wide development taken by the commercial and industrial enterprise of Japan in Korea, as well as the large number of Japanese subjects residing in that country, the Russian Government will not hinder the development of commercial and industrial relations between Japan and Korea.

Done at Tokyo in duplicate the 13/25 April, 1898.

ROSEN.
NISSI.

No. 9

KOREA AND CHINA

Treaty of amity and commerce.[1]*—September 11, 1899*

His Majesty the Emperor of Korea and His Majesty the Emperor of China, being sincerely desirous of establishing permanent relations of harmony and friendship between their respective subjects, have resolved to conclude a treaty for that purpose, and have therefore named as their plenipotentiaries, that is to say:

His Majesty the Emperor of Korea, Pak Chai Sun, Korean Minister of Foreign Affairs, Minister of the Council of State, etc., His Majesty's Minister Plenipotentiary;

His Majesty the Emperor of China, Hsü Shou Peng, an official of the second grade, Director of the Imperial Stud, His Majesty's Minister Plenipotentiary;

Who after having communicated to each other their respective full powers, found in due and good form, have agreed upon and concluded the following commercial treaty:

[1]MACMURRAY, vol. I, p. 208; translation from the Chinese text, as printed in ROCKHILL, p. 434. Printed also in English translation in HERTSLET, p. 241; CUSTOMS, vol. II, p. 864.

Hertslet (p. 241) notes that by Article 2 of the convention between Japan and Korea of November 17, 1905, providing for the control of Korean foreign relations by Japan, it is stipulated that "The Government of Japan undertake to see to the execution of the Treaties actually existing between Korea and other Powers." The proclamation of the Japanese Government in connection with the Treaty of annexation of Korea, concluded August 22, 1910, made the announcement that "Treaties hitherto concluded by Korea with foreign Powers ceasing to be operative, Japan's existing Treaties will, so far as practicable, be applied to Korea."

ARTICLE I.—*Peace, friendship, good offices.*—There shall be perpetual peace and friendship between the Empire of Korea and the Empire of China, and between their respective subjects, who shall enjoy equally in the respective countries of the High Contracting Parties full protection and the advantages of favorable treatment.

If other powers should deal unjustly or oppressively with either Government, the other, on being informed of the case, will exert their good offices to bring about an amicable arrangement, thus showing their friendly feelings.

ARTICLE II.—*Diplomatic representatives.*—After the conclusion of this treaty of amity and commerce, the High Contracting Parties may each appoint diplomatic representatives to reside at the court of the other, and may each appoint consular representatives at the ports of the other which are open to foreign commerce, at their own convenience.

These officials shall have relations with the corresponding local authorities of equal rank upon a basis of mutual equality.

The diplomatic and consular representatives of the two Governments shall enjoy mutually all the privileges, rights, and immunities, without discrimination, which are accorded to the same class of representatives from the most favored nation.

Consular representatives.—Consuls shall exercise their functions only on receipt of an exequatur from the Government to which they are accredited.

No restrictions or difficulties shall be imposed upon the movement of the members of the official establishments of either country or upon messengers carrying official dispatches.

Consular authorities shall be bona fide officials. No merchant shall be permitted to exercise the duties of the office, nor shall consular officers be allowed to engage in trade.

At ports to which no consular representatives have been appointed the consuls of the other powers may be invited to act, provided that no merchant shall be allowed to assume consular functions.

If the consular representatives of either country conduct their business in an improper manner, they shall be withdrawn on notice being given to the diplomatic representatives of the country concerned.

ARTICLE III.—*Merchants, merchant vessels.*—Merchants and merchant vessels of Korea visiting Chinese treaty ports for purposes of trade shall pay import and export duties and tonnage dues and all other charges according to the Chinese customs regulations and on the same terms as the similar duties levied on the subjects of the most favored nation.

Chinese merchants and merchant vessels visiting Korean treaty ports for purposes of trade shall pay import and export duties and tonnage dues and all other charges according to the Korean customs regulations and upon the same terms as the duties levied upon the subjects of the most favored nation.

The subjects of both powers shall be allowed to resort for purposes of trade to all the open ports in the dominion of the other.

Regulations for the conduct of trade and the customs tariff shall be those enjoyed by the most favored nation.

ARTICLE IV.—*Rights at open ports.*—1. Subjects of Korea who may proceed to the Chinese open ports may reside and rent premises or lease land and erect warehouses as they please within the limits of the settlements. They shall be at liberty to traffic in all kinds of native produce, in all manufactured goods, and in all articles that are not declared contraband.

Subjects of China who may proceed to the Korean open ports may reside and rent premises or lease land and erect warehouses as they please within the limits of the settlements. They shall as they please within the limits of the settlements. They shall be at liberty to traffic in all knids of native produce, in all manufactured goods, and in all articles that are not declared contraband.

2. All questions affecting the renting of land, the building of houses, the laying out of cemeteries, the payment of rent and taxes, and other matters of a similar nature at the treaty ports of either country are to be determined in accordance with the settlement and municipal council regulations of the ports, which must not be infringed.

If there is, in addition to a general foreign settlement at a treaty port in either country, a settlement under the separate control of a foreign power, questions affecting the renting of land and similar matters shall be governed by the regulations of the settlement, which must not be infringed.

Leasing and purchasing land.—3. Chinese subjects shall enjoy all benefits and advantages granted to foreigners with reference

to the leasing or purchase of land or houses beyond the limits of the foreign settlements at the treaty ports of Korea. But all lands so occupied shall be subject to such conditions as to the observance of Korean local regulations and payment of land tax as the Korean authorities may see fit to impose.

Korean subjects shall enjoy all benefits and advantages granted to foreigners with reference to the leasing or purchase of land or houses beyond the limits of the foreign settlements at the treaty ports of China. But all lands so occupied shall be subject to such conditions as to the observance of Chinese local regulations and the payment of land tax as the Chinese authorities may see fit to impose.

4. The subject of neither country shall be permitted to rent land or houses or open warehouses beyond the limits of the area open to foreign trade at the treaty ports of the High Contracting Parties. The penalty for a breach of this stipulation shall be the confiscation of the land and a fine of twice their original value.

5. No coercion or intimidation in the acquisition or lease of land shall be permitted and the land so occupied shall remain an integral part of the State.

6. If merchandise is sent by the subjects of one of the High Contracting Parties from one treaty port in the other country to another treaty port in the same country it shall be subject to the same dues and duties, prohibitions and regulations as obtain in the case of the subjects of the most favored nation.

ARTICLE V.—*Punishment of crimes.*—1. A Chinese subject who commits any offense in Korea shall be tried and punished by the Chinese consular authorities according to the laws of China.

A Korean subject who commits any offense in China shall be tried and punished by the Korean consular officials according to the laws of Korea.

A Chinese subject who commits any offense against the life or property of a Korean in China shall be tried and punished by the Chinese authorities according to the laws of China.

A Korean subject who commits any offense against the life or property of a Chinese in Korea shall be tried and punished by the Korean authorities according to the laws of Korea.

Mixed cases.—When controversies arise between the subjects of the two countries they shall be decided by the proper official

of nationality of the defendant according to the laws of that country.

The properly authorized official of the plaintiff's nationality shall be permitted to attend the trial and watch the proceedings, and shall be treated with the courtesy due to his position. If he so desires, he shall have the right to call and examine witnesses, and if he is dissatisfied with the proceedings he shall be permitted to protest against them in detail.

Refuge.—2. If a subject of one of the High Contracting Parties who has committed an offense against the laws of his country takes refuge on the premises or on board a ship owned by a subject of the other the local officials, after having notified the consular authorities, shall send police to assist in having the offender arrested and brought to justice. The authorities of the nationality of the offender shall try the case. No protection or concealment of any such person shall be permitted.

Extradition.—3. If a subject of one of the High Contracting Parties who has committed an offense against the laws of his country takes refuge in the dominions of the other the authorities of the latter country, on receiving an application, shall discover and hand over such person to his country for trial. No concealment or protection of any such person shall be permitted.

Extraterritoriality.—4. When in the judgment of either of the High Contracting Parties the laws and legal procedure of the other shall have been so far modified and reformed as to remove the present existing objections, the right of extraterritorial jurisdiction shall be relinquished.

ARTICLE VI.—*Export of rice and grain.*—In China the export of rice and grain to foreign countries has always been prohibited. There is no prohition of this kind in Korea, but it is agreed that whenever there is reason to apprehend a scarcity of food within the limits of the Empire a prohibition against the export of rice and grain may be enforced, and shall be binding upon Chinese subjects when it shall have been officially communicated by the Korean local authorities to the Chinese authorities concerned.

ARTICLE VII.—*Fraudulent sales, debts.*—If the subjects of either of the High Contracting Parties in their commercial dealings with each other are guilty of fraud or make fictitious sales,

or do not pay their debts, the authorities of both Powers shall use stringent measures to arrest the offenders and obtain payment of the debts.

The Governments of the High Contracting Powers shall not be responsible for debts of this nature.

ARTICLE VIII.—*Passports.*—Chinese subjects shall have the right to travel under passports in the interior of Korea for purposes of pleasure or trade. They are, however, forbidden to reside or to open establishments for trade there. The penalties for a breach of this stipulation are the confiscation of the goods and a fine of twice their original value.

Korean subjects shall have the right to travel under passports in the interior of China for purposes of pleasure or trade, and shall receive most favored nation treatment in this respect.

ARTICLE IX.—*Arms, munitions.*—The purchase of arms, munitions, and implements of war, as ordnance or cannon, shot and shell, firearms of all kinds, cartridges, sidearms, spears or pikes, saltpeter, gunpowder, gun cotton, dynamite, and other explosive substances is permitted only to the officials of the two Contracting Powers, and they may be imported by the subjects of either only under a written permit issued by the officials of the country into which they are imported.

If these articles are clandestinely imported or sold they shall be confiscated and the offending party fined twice their original value.

Import of opium into Korea, export of red ginseng from.—The import of opium into Korea is prohibited, and if either foreign or Chinese grown opium is imported by Chinese subjects it shall be confiscated and the offending party fined twice its original value.

The export of red ginseng from Korea has always been prohibited. If Chinese subjects clandestinely buy and export it without the special permission of the Korean Government, it shall be seized and confiscated and the offenders punished as circumstances may require.

ARTICLE X.—*Ports of refuge.*—Whenever vessels of either of the two Contracting States are detained on the coast of other through stress of weather or want of fuel or provisions they may enter any port or harbor either to take refuge therein or to get

supplies, or to make repair; the expenses incurred thereby being defrayed by the ship's master. In such event the officers and people of the locality shall render all the assistance in their power and furnish the necessaries required.

Clandestine trade.—If a vessel trades clandestinely at a port not open to commerce, or at any place where she is forbidden to proceed, the vessel, with her cargo, whether any trade has actually taken place or not, shall be seized and confiscated by the local authorities and the nearest customs officials, and the offenders shall incur a fine of twice their original value.

Wrecks, their cargoes and crews.—Should a vessel of either Power be wrecked on the coast of the other, the local authorities, on being informed of the occurrence, shall immediately render assistance to the crew, provide for their immediate necessities, and take requisite measures for the salvage of the ship and the preservation of her cargo. They shall also bring the matter to the knowledge of the nearest consular representative, in order that steps may be taken to send the crew home and to save the ship and her cargo. The necessary expenses shall be defrayed either by the ship's master or by the authorities of the nationality of the vessel concerned.

ARTICLE XI.—*Employment of natives.*—The officers and people of their Power residing at trading places in the dominions of the other shall have the right to employ natives in any lawful capacity.

ARTICLE XII.—*Tariff and frontier trade rules.*—After the present treaty has been concluded, a tariff and rules shall be drawn up to regulate the frontier trade which has hitherto been carried on between the two Empires. All persons who have already crossed the frontier and reclaimed ground shall be allowed to pursue their avocations in peace and enjoy protection for their lives and property.

Migration.—From this time forward migration across the frontier shall be prohibited on both sides in order to avoid complications.

Frontier mart.—The question of the determination of the site of a trade mart is reserved for discussion and settlement when the frontier rules come to be drawn up.

ARTICLE XIII.—*Ships of war.*—The ships of war of each country shall be at liberty to visit all the ports of the other whether open to foreign trade or not.

They shall not be permitted to clandestinely import merchandise.

Supplies of all kinds for ships of war of either country shall not be liable to the payment of duties.

Officers and men of the ships of war of either country may land anywhere in the territories of the other, but shall not proceed into the interior unless they are provided with passports.

If articles used on board ship are for any reason sold, the purchaser shall pay the proper duty.

ARTICLE XIV.—The present treaty shall be ratified by His Majesty the Emperor of Korea and His Majesty the Emperor of China under their hands and seals, and the ratifications shall be exchanged at Seoul within one year at the latest from the date of signature, and immediately thereafter this treaty shall be in all its provisions publicly proclaimed and made known by both Governments in their respective countries, in order that it may be obeyed by their subjects respectively.[1]

ARTICLE XV.—The Chinese written character being common to both Korea and China, this treaty and future official correspondence shall be made in Chinese for the sake of clearness.

HSÜ SHOU PENG,

Envoy Extrarodinary and Minister Plenipotentiary 2nd Rank. Director of the Imperial Stud. For His Majesty the Emperor of China, 7th day, 8th moon, 25th year of Kuang Su.

PAK CHAI SUN,

Envoy Extraordinary and Minister Plenipotentiary. Minister for Foreign Affairs and Councillor of State. 11th September, 1899. 3d year of Kwang Mu.

[1]Ratifications exchanged December 14, 1899.

No. 10

GREAT BRITAIN AND JAPAN

Agreement relative to China and Korea.[1]*—January 30, 1902*

The Governments of Great Britain and Japan, actuated solely by a desire to maintain the *status quo* and general peace in the Extreme East, being moreover specially interested in maintaining the independence and territorial integrity of the Empire of China and the Empire of Korea, and in securing equal opportunities in those countries for the commerce and industry of all nations, hereby agree as follows:

ARTICLE I. The High Contracting Parties having mutually recognized the independence of China and of Korea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country. Having in view, however, their special interests, of which those of Great Britain relate principally to China, while Japan, in addition to the interests which she possesses in China, is interested in a peculiar degree politically as well as commercially and industrially in Korea, the High Contracting Parties recognize that it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests if threatened either by the aggressive action of any other Power, or by disturbances arising in China or Korea, and necessitating the intervention of either of the High Contracting Parties for the protection of the lives and property of its subjects.

ART. II. If either Great Britain or Japan, in the defence of their respective interests as above described, should become involved in war with another Power, the other High Contracting Party will maintain a strict neutrality, and use its efforts to prevent other Powers from joining in hostilities against its ally.

ART. III. If, in the above event, any other Power or Powers should join in hostilities against that ally, the other High Contracting Party will come to its assistance, and will conduct the war in common, and make peace in mutual agreement with it.

ART. IV. The High Contracting Parties agree that neither of them will, without consulting the other, enter into separate

[1] MACMURRAY, vol. I, p. 324. Printed also in the British *Treaty Series*, No. 3 (1902); in ROCKHILL, p. 97; HERTSLET, p. 597. See Note to this document, *post*, p. 34.

arrangements with another Power to the prejudice of the interests above described.

ART. V. Whenever, in the opinion of either Great Britain or Japan, the above-mentioned interests are in jeopardy, the two Governments will communicate with one another fully and frankly.

ART. VI. The present Agreement shall come into effect immediately after the date of its signature, and remain in force for five years from that date.

In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said five years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, *ipso facto,* continue until peace is concluded.

In faith whereof the Undersigned, duly authorized by their respective Governments, have signed this Agreement and have affixed thereto their seals.

Done in duplicate at London, the 30th day of January, 1902.

(L.S.) (Signed) LANSDOWNE,
His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

(L.S.) (Signed) HAYASHI,
Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan at the Court of St. James.

Note

This agreement was replaced by that of August 12, 1905 (No. 14, *post*), which was in turn replaced by that of July 13, 1911 (MACMURRAY, vol. I, p. 900).

In connection with this agreement, see the Franco-Russian declaration of March 3/16, 1902 (*China, No. 2 (1904)*, p. 37; *Recueil,* p. 527; HERTSLET, p. 598) of which the translation, as printed in ROCKHILL, p. 203, is as follows:

Franco-Russian Declaration regarding the Anglo-Japanese Alliance.—March 16, 1902

"The allied Governments of Russia and France have received a copy of the Anglo-Japanese Agreement of the 30th January 1902, concluded with the object of maintaining the *status quo* and the general peace in the Far

East, and preserving the independence of China and Korea, which are to remain open to the commerce and industry of all nations, and have been fully satisfied to find therein affirmed the fundamental principles which they have themselves, on several occasions, declared to form the basis of their policy, and which still remain so.

"The two Governments consider that the observance of these principles is at the same time a guarantee of their special interests in the Far East. Nevertheless, being obliged themselves also to take into consideration the case in which either the aggressive action of third Powers, or the recurrence of disturbances in China, jeopardizing the integrity and free development of that Power, might become a menace to their own interests, the two allied Governments reserve to themselves the right to consult in that contingency as to the means to be adopted for securing those interests.

"ST. PETERSBURG, *March 3 (16), 1902.*"

As printed in *Recueil,* this declaration is followed by a *communiqué officiel,* dated St. Petersburg, March 7/20, 1902, of which the following is a translation:

"The Convention concluded in the month of January last between England and Japan has given rise to the most contradictory interpretations and the most varied surmises, principally by reason of the fact that, by that act, two of the eleven Powers which had only just signed the Peking Protocol, after the accomplishment of their collective action in China, seemed to separate themselves from the other Cabinets, and to place themselves in a special situation in reference to the Celestial Empire where, thanks to the joint efforts, the traditional order of affairs had been reestablished, and the legitimate central authority restored.

"The Imperial Government, appreciating the friendly communications made in this regard to Russia by the Japanese and English Governments, has received the conclusion of that convention with the utmost calm. The principles that have guided Russian policy have remained and still remain invariable; Russia insists on the independence and integrity of China—a friendly neighboring country—as well as on that of Korea; Russia desires the maintenance of the *status quo* and the general pacification of the Far East. By the construction of the great Siberian Railway, with a branch running through Manchuria to a port always free of ice, Russia is favoring the extension, in those regions, of the commerce and industry of the whole world. Would it be in her interests actually to set up obstacles to that?

"The intention, expressed by England and Japan, to contribute to the attainment of the same aims which are invariably pursued by the Russian Government, can only appeal to the sympathy of Russia, in spite of comments emanating from certain political spheres and from various organs of the foreign press, which have made an effort to present under quite a different aspect the impassive attitude of the Imperial Government in regard to a diplomatic act which, in its view, does not at all change the general situation of the political horizon.

"Indeed, in view of the consatntly persistent agitation on the subject of the Anglo-Japanese arrangement, the allied Governments of Russia and of France have deemed it necessary to formulate precisely their point of view on this subject in an identic declaration addressed to the Powers whose representatives, jointly with the plenipotentiaries of Russia and of France, signed the Peking Protocol of August 25/September 7, 1901."

No. 11

JAPAN AND KOREA

Protocol.[1]*—February 23, 1904*

M. Gonsuke Hayashi, Envoy Extraordinary and Minister Plenipotentiary of His Majesty The Emperor of Japan and Major General Yi Chi-Yong, Minister of State for Foreign Affairs *ad interim* of His Majesty the Emperor of Korea, being respectively duly empowered for the purpose, have agreed upon the following Articles:

ARTICLE I. For the purpose of maintaining a permanent and solid friendship between Japan and Korea and firmly establishing peace in the Far East, the Imperial Government of Korea shall place full confidence in the Imperial Government of Japan, and adopt the advice of the latter in regard to improvements in administration.

ART. II. The Imperial Government of Japan shall in a spirit of firm friendship ensure the safety and repose of the Imperial House of Korea.

ART. III. The Imperial Government of Japan definitively guarantee the independence and territorial integrity of the Korean Empire.

ART. IV. In case the welfare of the Imperial House of Korea or the territorial integrity of Korea is endangered by aggression of a third power or internal disturbances, the Imperial Government of Japan shall immediately take such necessary measures as circumstances require, and in such case the Imperial Government of Korea shall give full facilities to promote the action of the Imperial Japanese Government. The Imperial Government of Japan may for the attainment of the above mentioned object occupy when the circumstances require such places as may be necessary from strategic points of view.

ART. V. The Governments of the two countries shall not in future without mutual consent conclude with a third power such an arrangement as may be contrary to the principles of the present protocol.

ART. VI. Details in connection with the present Protocol shall be arranged as the circumstances may require between the

[1]Text as printed in ROCKHILL, p. 441.

representative of Japan and the Minister of State for Foreign Affairs of Korea.

HAYASHI.
YI CHI-YONG.

No. 12

JAPAN AND KOREA

Agreement concerning financial and diplomatic advisers for Korea.[1]*—August 22, 1904*

ARTICLE I. The Korean Government shall engage as financial adviser to the Korean Government a Japanese subject recommended by the Japanese Government, and all matters concerning finance shall be dealt with after his counsel has been taken.

ART. II. The Korean Government shall engage as a diplomatic adviser to the Department of Foreign Affairs a foreigner recommended by the Japanese Government, and all important matters concerning foreign relations shall be dealt with after his counsel has been taken.

ART. III. The Korean Government shall consult the Japanese Government previous to concluding Treaties or Conventions with foreign Powers, and in dealing with other important diplomatic affairs such as granting of concessions to or contracts with foreigners.

HAYASHI GONSUKE, [SEAL.]
Envoy Extraordinary and Minister Plenipotentiary.

The 22nd day of the 8th month of the 37th year of Meiji.

YUN CHI HO, [SEAL.]
Acting Minister of State for Foreign Affairs.

The 22nd day of the 8th month of the 8th year of Kwang-Mu.

Note

The following explanation of the scope and purpose of Article III of this Agreement was furnished by the Japanese Government at the same time it notified the Government of the United States of the terms of

[1] *Collection of Treaties between Korea,* etc., p. 17.

the Agreement (see Mr. Takahira to Mr. Hay, No. 72, August 30, 1904). "Article III is not intended to place an impediment in the way of the ligitimate enterprise of foreigners in the sphere of commerce and industry, but is calculated to serve as a precaution against the conclusion of improvident and dangerous engagements which have often in the past proved a source of serious complications, as was conspicuously shown in the case of the Russian lease of Yongampho."

No. 13

JAPAN AND KOREA

Agreement for the transfer of postal, telegraph and telephone services of Korea to control of Japan.[1]*—April 1, 1905*

The Imperial Governments of Japan and Korea, finding it expedient from the standpoint of the administration and finances of Korea, to rearrange the system of communications in that country, and, by amalgamating it with that of Japan, to unite the two systems into one common to the two countries, and, having seen the necessity, with that object in view, of transferring the post, telegraph and telephone services of Korea to the control of the Japanese Government, Hayashi Gonsuke, Envoy Extraordinary and Minister Plenipotentiary of Japan, and I-hayeng, Minister of State for Foreign Affairs of Korea, each invested with proper authority, have agreed upon and concluded the following Articles:

ARTICLE I. The Imperial Government of Korea shall transfer and assign the control and administration of the post, telegraph and telephone services in Korea (except the telephone service exclusively pertaining to the Department of the Imperial Household) to the Imperial Japanese Government.

ART. II. The land, buildings, furnitures, instruments, machines and all other appliances connected with the system of communications already established by the Imperial Government of Korea, shall, by virtue of the present Agreement, be transferred to the control of the Imperial Japanese Government.

The authorities of the two countries acting together shall make an inventory of the land, buildings and all other requisites

[1]See *Collection of Treaties between Korea,* etc., p. 18.

mentioned in the preceding paragraph which shall serve as evidence in the future.

ART. III. When it is deemed necessary by the Japanese Government to extend the communication system in Korea, they may appropriate land and buildings belonging to the State or to private persons, the former without compensation and the latter with proper indemnification.

ART. IV. In respect of the control of the communication service and the custody of the properties in connection therewith, the Japanese Government assume, on their own account, the responsibility of good administration.

The expenses required for the extension of the communication services shall also be borne by the Imperial Government of Japan.

The Imperial Government of Japan shall officially notify the Imperial Government of Korea of the financial condition of the system of communications under their control.

ART. V. All appliances and materials which are deemed necessary by the Imperial Government of Japan for the control or extension of the system of communication shall be exempt from all duties and imposts.

ART. VI. The Imperial Government of Korea shall be at liberty to maintain the present Board of Communication so far as such retention does not interfere with the control and extension of the services by the Japanese Government.

The Japanese Government, in controlling and extending the services, shall engage as many Korean officials and employees as possible.

ART. VII. In respect of the arrangements formerly entered into by the Korean Government with the Governments of foreign Powers concerning the post, telegraph and telephone services, the Japanese Government shall in behalf of Korea exercise the rights and perform the obligations pertaining thereto.

Should there arise in the future any necessity for concluding any new convention between the Government of Korea and the Government of foreign Powers concerning the communication services, the Japanese Government shall assume the responsibility of concluding such convention in behalf of the Korean Government.

ART. VIII. The various conventions and agreements respecting the communication services hitherto existing between the Governments of Japan and Korea are naturally abolished or modified by the present Agreement.

ART. IX. When in future as the result of the general development of the communication system in Korea, there is some adequate profit over and above expenditures defrayed by the Japanese Government for the control and maintenance of the old services and for their extensions and improvements, the Japanese Government shall deliver to the Korean Government a suitable percentage of such profit.

ART. X. When in the future an ample surplus exists in the finance of the Korean Government, the control of their communication services may be returned, as the result of the consultation of the two Governments, to the Government of Korea.

HAYASHI GONSUKE, [SEAL.]
Envoy Extraordinary and Minister Plenipotentiary.
The 1st day of the 4th month of the 38th year of Meiji.

I. T. HAYENG, [SEAL.]
Minister of State for Foreign Affairs.
The 1st day of the 4th month of the 9th year of Kwang-Mu.

No. 14

GREAT BRITAIN AND JAPAN

Agreement respecting the integrity of China, the general peace of Eastern Asia and India, and the territorial rights and special interests of the parties in those regions.[1]*—August 12, 1905.*

PREAMBLE

The Governments of Great Britain and Japan, being desirous of replacing the Agreement concluded between them on the 30th January, 1902,[2] by fresh stipulations, have agreed upon the following Articles, which have for their object:

[1] MACMURRAY, vol, I, p. 516. Printed also in British Parliamentary Paper, *Japan, No. 2 (1905)*; British *Treaty Series*, 1905, No. 25; *Traités et Conventions*, p. 464; HERTSLET, p. 606; *Recueil*, p. 736; *Am. Journal Int. Law*, Supplement, vol. 1, p. 15; *For Rel.*, 1905, p. 488. See Note to this document, *post*, p. 42.
[2] No. 10, *ante*.

(*a*) The consolidation and maintenance of the general peace in the regions of Eastern Asia and of India;

(*b*) The preservation of the common interests of all Powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China;

(*c*) The maintenance of the territorial rights of the High Contracting Parties in the regions of Eastern Asia and of India, and the defence of their special interests in the said regions:

ARTICLE I. It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this Agreement are in jeopardy, the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

ART. II. If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any other Power or Powers either Contracting Party should be involved in war in defence of its territorial rights or special interests mentioned in the preamble of this Agreement, the other Contracting Party will at once come to the assistance of its ally, and will conduct the war in common, and make peace in mutual agreement with it.

ART. III. Japan possessing paramount political, military, and economic interests in Korea, Great Britain recognizes the right of Japan to take such measures of guidance, control, and protection in Korea as she may deem proper and necessary to safeguard and advance those interests, provided always that such measures are not contrary to the principle of equal opportunities for the commerce and industry of all nations.

ART. IV. Great Britain having a special interest in all that concerns the security of the Indian frontier, Japan recognizes her right to take such measures in the proximity of that frontier as she may find necessary for safeguarding her Indian possessions.

ART. V. The High Contracting Parties agree that neither of them will, without consulting the other, enter into separate arrangements with another Power to the prejudice of the objects described in the preamble of this Agreement.

ART. VI. As regards the present war between Japan and Russia, Great Britain will continue to maintain strict neutrality

unless some other Power or Powers should join in hostilities against Japan, in which case Great Britain will come to the assistance of Japan, and will conduct the war in common, and make peace in mutual agreement with Japan.

ART. VII. The conditions under which armed assistance shall be afforded by either Power to the other in the circumstances mentioned in the present Agreement, and the means by which such assistance is to be made available, will be arranged by the Naval and Military authorities of the Contracting Parties, who will from time to time consult one another fully and freely upon all questions of mutual interest.

ART. VIII. The present Agreement shall, subject to the provisions of Article VI., come into effect immediately after the date of its signature, and remain in force for ten years from that date.

In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said ten years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, *ipso facto,* continue until peace is concluded.

In faith whereof the Undersigned, duly authorized by their respective Governments, have signed this Agreement and have affixed thereto their Seals.

Done in duplicate at London, the 12th day of August, 1905.

(L.S.) LANSDOWNE,
His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

(L.S.) TADASU HAYASHI,
Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan at the Court of St. James.

Note

This agreement was replaced by that of July 13, 1911 (MACMURRAY, vol. I, p. 900). It was forwarded to the British Ambassador at St. Petersburg under cover of a dispatch dated September 6, 1905, reading as follows:

"FOREIGN OFFICE, *September 6, 1905.*

"Sir,—I enclose, for your Excellency's information, a copy of a new Agreement concluded between His Majesty's Government and that of Japan in substitution for that of the 30th January, 1902. You will take an early opportunity of communicating the new Agreement to the Russian Government.

"It was signed on the 12th August, and you will explain that it would have been immediately made public but for the fact that negotiations had at that time already commenced between Russia and Japan, and that the publication of such a document whilst those negotiations were still in progress would obviously have been improper and inopportune.

"The Russian Government will, I trust, recognize that the new Agreement is an international instrument to which no exception can be taken by any of the Powers interested in the affairs of the Far East. You should call special attention to the objects mentioned in the preamble as those by which the policy of the Contracting Parties is inspired. His Majesty's Government believe that they may count upon the good will and support of all the Powers in endeavouring to maintain peace in Eastern Asia, and in seeking to uphold the integrity and independence of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in that country.

"On the other hand, the special interests of the Contracting Parties are of a kind upon which they are fully entitled to insist, and the announcement that those interests must be safeguarded is one which can create no surprise, and need give rise to no misgivings.

"I call your especial attention to the wording of Article II., which lays down distinctly that it is only in the case of an unprovoked attack made on one of the Contracting Parties by another Power or Powers, and when that Party is defending its territorial rights and special interests from aggressive action, that the other Party is bound to come to its assistance.

"Article III., dealing with the question of Korea, is deserving of especial attention. It recognizes in the clearest terms the paramount position which Japan at this moment occupies and must henceforth occupy in Korea, and her right to take any measures which she may find necessary for the protection of her political, military, and economic interests in that country. It is, however, expressly provided that such measures must not be contrary to the principle of equal opportunities for the commerce and industry of other nations. The new Treaty no doubt differs at this point conspicuously from that of 1902. It has, however, become evident that Korea, owing to its close proximity to the Japanese Empire and its inability to stand alone, must fall under the control and tutelage of Japan.

"His Majesty's Government observe with satisfaction that this point was readily conceded by Russia in the Treaty of Peace recently concluded with Japan, and they have every reason to believe that similar views are held by other Powers with regard to the relations which should subsist between Japan and Korea.

"His Majesty's Government venture to anticipate that the alliance thus concluded, designed as it is with objects which are purely peaceful and for the protection of rights and interests the validity of which cannot be contested, will be regarded with approval by the Government to which you are accredited. They are justified in believing that its conclusion may not

have been without effect in facilitating the settlement by which the war has been so happily brought to an end, and they earnestly trust that it may, for many years to come, be instrumental in securing the peace of the world in those regions which come within its scope.

"I am, &c., (Signed) LANSDOWNE."

A similar despatch was addressed to the British Ambassador at Paris.

No. 15

JAPAN AND KOREA

Agreement concerning the coastwise and inland waters navigation of Korea.[1]*—August 13, 1905*

The Imperial Governments of Japan and Korea, deeming it necessary, for the purpose of improving the trade, and promoting the development of the resources of Korea, to allow navigation by Japanese vessels along the coasts and in the inland waters of Korea, Hayashi Gonsuke, Envoy Extraordinary and Minister Plenipotentiary of Japan, and I-hayeng, Minister of State for Foreign Affairs of Korea, duly authorized by their respective Governments for the purpose, have agreed upon the following Articles:

ARTICLE I. Japanese vessels shall be at liberty to navigate along the coasts and in inland waters of Korea for the purpose of trade in accordance with the stipulations of the present Agreement, which, however, shall not be applicable to navigation between the open ports.

ART. II. Licenses shall be obtained for all Japanese vessels to be employed in navigation of the coasts and inland waters, upon reporting through the Japanese Consular Officers to the Korean Customs the names and residence of the owners, the names, types and carrying capacity of the vessels, as well as the limits within which such vessels are to navigate.

Licenses shall be available for one year from the date of their issue.

ART. III. Upon receipt of the licenses, fees shall be paid to the Korean Customs according to the following rates:

	Yen
For a vessel of foreign type below 100 tons	15.00
For a vessel of Japanese type	15.00
For a vessel of foreign type above 100 and below 500 tons	50.00
For a vessel of foreign type above 500 and below 1,000 tons	100.00
For a vessel of foreign type above 1,000 tons	150.00

ART. IV. Japanese vessels may freely navigate within the limits specified, but shall not proceed to any place not in Korean territory, except in case of stress of weather or other emergency, or in case special permission has been obtained from the Korean Customs.

ART. V. The licenses shall be carried on board the vessels during their voyages and shall be shown whenever requested by the Korean Customs, or by local officials of Korea, or by the Chiefs of villages duly authorized by such local officials.

ART. VI. Japanese shipowners shall have liberty to lease land for the purpose of building warehouses at the places where their vessels call.

Such owners may also construct piers or wharves on the banks and coasts with the permission of the Korean Customs.

ART. VII. In case of infraction of the present Agreement by a Japanese vessel, the Korean Customs may cause the license of such vessel to be confiscated, or may refuse to issue a new one, if the offence be found, upon examination, to be of a grave nature.

ART. VIII. When a Japanese vessel, or the crew thereof, infringes the stipulations of the present Agreement or of other treaties, or when a member of the crew commits any crime, the Japanese Consular Officers shall deal with the case in accordance with the provisions of the treaties and the laws of Japan.

ART. IX. The present Agreement shall remain in force for a period of fifteen years from the date of its signature, and after the expiration of such period, further arrangements may be made by mutual agreement.

The two Governments may, however, conclude an agreement by mutual consent even before the expiration of the aforesaid term, when in future the navigation of Korea shall be further developed.

HAYASHI GONSUKE, [SEAL.]
Envoy Extraordinary and Minister Plenipotentiary.

The 13th day of the 8th month of the 38th year of Meiji.

I-HAYENG, [SEAL.]
Minister of State for Foreign Affairs.

The 13th day of the 8th month of the 9th year of Kwang-Mu.

No. 16

RUSSIA AND JAPAN

Treaty of peace.[1]—*September 5, 1905*

His Majesty the Emperor of Japan on the one part, and His Majesty the Emperor of all the Russias on the other part, animated by the desire to restore the blessings of peace to Their countries and peoples, have resolved to conclude a Treaty of Peace, and have, for this purpose, named Their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan:

His Excellency Baron Komura Jutaro, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, His Minister for Foreign Affairs, and

His Excellency M. Takahira Kogoro, Jusammi, Grand Cordon of the Imperial Order of the Sacred Treasure, His Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

and His Majesty the Emperor of all the Russias:

His Excellency M. Serge Witte, His Secretary of State and President of the Committee of Ministers of the Empire of Russia, and

His Excellency Baron Roman Rosen, Master of the Imperial Court of Russia and His Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after having exchanged their full powers which were found to be in good and due form, have concluded the following Articles:

ARTICLE I. There shall henceforth be peace and amity between Their Majesties the Emperor of Japan and the Emperor of all the Russias and between Their respective States and subjects.

ART. II. The Imperial Russian Government, acknowledging that Japan possesses in Korea paramount political, military and economical interests, engage neither to obstruct nor interfere

[1]MACMURRAY, vol. I, p. 522; English text as printed in *Traités et Conventions*, p. 585. Printed also, in French text, on p. 97 of the Orange Book containing protocols of the Portsmouth peace conference, published by the Russian Ministry for Foreign Affairs, St. Petersburg, 1906; HERTSLET, p. 608; *Recueil*, p. 741. See Note to this document, *post*, p. 52.

with the measures of guidance, protection and control which the Imperial Government of Japan may find it necessary to take in Korea.

It is understood that Russian subjects in Korea shall be treated exactly in the same manner as the subjects or citizens of other foreign Powers, that is to say, they shall be placed on the same footing as the subjects or citizens of the most favoured nation.

It is also agreed that, in order to avoid all cause of misunderstanding, the two High Contracting Parties will abstain, on the Russo-Korean frontier, from taking any military measure which may menace the security of Russian or Korean territory.

ART. III. Japan and Russia mutually engage:

1. To evacuate completely and simultaneously Manchuria except the territory affected by the lease of the Liao-tung Peninsula, in conformity with the provisions of additional Article I annexed to this Treaty; and

2. To restore entirely and completely to the exclusive administration of China all portions of Manchuria now in the occupation or under the control of the Japanese or Russian troops, with the exception of the territory above mentioned.

The Imperial Government of Russia declare that they have not in Manchuria any territorial advantages or preferential or exclusive concessions in impairment of Chinese sovereignty or inconsistent with the principle of equal opportunity.

ART. IV. Japan and Russia reciprocally engage not to obstruct any general measures common to all countries, which China may take for the development of the commerce and industry of Manchuria.

ART. V. The Imperial Russian Government transfer and assign to the Imperial Government of Japan, with the consent of the Government of China, the lease of Port Arthur, Talien and adjacent territory and territorial waters and all rights, privileges and concessions connected with or forming part of such lease and they also transfer and assign to the Imperial Government of Japan all public works and properties in the territory affected by the above mentioned lease.

The two High Contracting Parties mutually engage to obtain the consent of the Chinese Government mentioned in the foregoing stipulation.

The Imperial Government of Japan on their part undertake that the proprietary rights of Russian subjects in the territory above referred to shall be perfectly respected.

ART. VI. The Imperial Russian Government engage to transfer and assign to the Imperial Government of Japan, without compensation and with the consent of the Chinese Government, the railway between Chang-chun (Kuan-cheng-tzu) and Port Arthur and all its branches, together with all rights, privileges and properties appertaining thereto in that region, as well as all coal mines in the said region belonging to or worked for the benefit of the railway.

The two High Contracting Parties mutually engage to obtain the consent of the Government of China mentioned in the foregoing stipulation.

ART. VII. Japan and Russia engage to exploit their respective railways in Manchuria exclusively for commercial and industrial purposes and in no wise for strategic purposes.

It is understood that that restriction does not apply to the railway in the territory affected by the lease of the Liao-tung Peninsula.

ART. VIII. The Imperial Governments of Japan and Russia, with a view to promote and facilitate intercourse and traffic, will, as soon as possible, conclude a separate convention for the regulation of their connecting railway services in Manchuria.[1]

ART. IX. The Imperial Russian Government cede to the Imperial Government of Japan in perpetuity and full Sovereignty, the southern portion of the Island of Saghalien and all islands adjacent thereto, and all public works and properties thereon. The fiftieth degree of north latitude is adopted as the northern boundary of the ceded territory. The exact alignment of such territory shall be determined in accordance with the provisions of additional Article II annexed to this Treaty.

Japan and Russia mutually agree not to construct in their respective possessions on the Island of Saghalien or the adjacent islands, any fortifications or other similar military works. They also respectively engage not to take any military measures which may impede the free navigation of the Straits of La Perouse and Tartary.

[1]Such a convention was concluded June 13, 1907 (MACMURRAY, vol. I, p. 643).

ART. X. It is reserved to the Russian subjects inhabitants of the territory ceded to Japan, to sell their real property and retire to their country; but, if they prefer to remain in the ceded territory, they will be maintained and protected in the full exercise of their industries and rights of property, on condition of submitting to Japanese laws and jurisdiction. Japan shall have full liberty to withdraw the right of residence in, or to deport from, such territory, any inhabitants who labour under political or administrative disability. She engaged, however, that the proprietary rights of such inhabitants shall be fully respected.

ART. XI.[1] Russia engages to arrange with Japan for granting to Japanese subjects rights of fishery along the coasts of the Russian possessions in the Japan, Okhotsk and Behring Seas.

It is agreed that the foregoing engagement shall not affect rights already belonging to Russian or foreign subjects in those regions.

ART. XII.[2] The Treaty of Commerce and Navigation between Japan and Russia having been annulled by the war, the Imperial Governments of Japan and Russia engage to adopt as the basis of their commercial relations, pending the conclusion of a new treaty of commerce and navigation on the basis of the Treaty which was in force previous to the present war, the system of reciprocal treatment on the footing of the most favoured nation, in which are included import and export duties, customs formalities, transit and tonnage dues, and the admission and treatment of the agents, subjects and vessels of one country in the territories of the other.

ART. XIII. As soon as possible after the present Treaty comes into force, all prisoners of war shall be reciprocally restored. The Imperial Governments of Japan and Russia shall each appoint a special Commissioner to take charge of prisoners. All prisoners in the hands of one Government shall be delivered to and received by the Commissioner of the other Government or by his duly authorized representative, in such convenient numbers and at such convenient ports of the delivering State as such delivering State

[1] A fisheries convention was concluded between Japan and Russia on July 28, 1907.

[2] A treaty of commerce and navigation, with separate articles, protocol and exchange of notes attached thereto, and a protocol relating to certain Japanese and Russian consulates, were concluded between Japan and Russia on July 28, 1907. See also the political convention of July 30, 1907 (*ibid.*, p. 657).

shall notify in advance to the Commissioner of the receiving State.

The Governments of Japan and Russia shall present to each other, as soon as possible after the delivery of prisoners has been completed, a statement of the direct expenditures respectively incurred by them for the care and maintenance of prisoners from the date of capture or surrender up to the time of death or delivery. Russia engages to repay to Japan, as soon as possible after the exchange of the statements as above provided, the difference between the actual amount so expended by Japan and the actual amount similarly disbursed by Russia.

ART. XIV. The present Treaty shall be ratified by Their Majesties the Emperor of Japan and the Emperor of all the Russias. Such ratification shall with as little delay as possible and in any case not later than fifty days from the date of the signature of the Treaty, be announced to the Imperial Governments of Japan and Russia respectively through the French Minister in Tokio and the Ambassador of the United States in Saint Petersburg and from the date of the later of such announcements this Treaty shall in all its parts come into full force.

The formal exchange of the ratifications shall take place at Washington as soon as possible.[1]

ART. XV. The present Treaty shall be signed in duplicate in both the English and French languages. The texts are in absolute conformity, but in case of discrepancy in interpretation, the French text shall prevail.

In witness whereof, the respective Plenipotentiaries have signed and affixed their seals to the present Treaty of Peace.

Done at Portsmouth (New Hampshire) this fifth day of the ninth month of the thirty-eighth year of Meiji, corresponding to the twenty-third day of August (fifth September) one thousand nine hundred and five.

(Signed) JUTARO KOMURA. [L.S.] (Signed) SERGE WITTE. [L.S.]
(Signed) K. TAKAHIRA. [L.S.] (Signed) ROSEN. [L.S.]

[1]Ratifications were exchanged at Washington, November 25, 1905.

ADDITIONAL ARTICLES

In conformity with the provisions of Articles III and IX of the Treaty of Peace between Japan and Russia of this date, the undersigned Plenipotentiaries have concluded the following additional Articles:

I.—To Article III

The Imperial Governments of Japan and Russia mutually engage to commence the withdrawal of their military forces from the territory of Manchuria simultaneously and immediately after the Treaty of Peace comes into operation, and within a period of eighteen months from that date, the Armies of the two countries shall be completely withdrawn from Manchuria, except from the leased territory of the Liao-tung Peninsula.

The forces of the two countries occupying the front positions shall be first withdrawn.

The High Contracting Parties reserve to themselves the right to maintain guards to protect their respective railway lines in Manchuria. The number of such guards shall not exceed fifteen per kilometer and within that maximum number, the Commanders of the Japanese and Russian Armies shall, by common accord, fix the number of such guards to be employed, as small as possible having in view the actual requirements.

The Commanders of the Japanese and Russian forces in Manchuria shall agree upon the details of the evacuation in conformity with the above principles, and shall take by common accord the measures necessary to carry out the evacuation as soon as possible and in any case not later than the period of eighteen months.

II.—To Article IX

As soon as possible after the present Treaty comes into force, a Commission of Delimitation, composed of an equal number of members to be appointed respectively by the two High Contracting Parties, shall on the spot, mark in a permanent manner the exact boundary between the Japanese and Russian possessions on the Island of Saghalien. The Commission shall be bound, so far as topographical considerations permit, to follow the fiftieth parallel of north latitude as the boundary line, and in case any deflections from that line at any points are found to be necessary,

compensation will be made by correlative deflections at other points. It shall also be the duty of the said Commission to prepare a list and description of the adjacent islands included in the cession and finally the Commission shall prepare and sign maps showing the boundaries of the ceded territory. The work of the Commission shall be subject to the approval of the High Contracting Parties.

The foregoing additional Articles are to be considered as ratified with the ratification of the Treaty of Peace to which they are annexed.

Portsmouth, the 5th day, 9th month, 38th year of Meiji, corresponding to $\frac{\text{23rd August}}{\text{5th September}}$, 1905.

(Signed) JUTARO KOMURA. (Signed) SERGE WITTE.
(Signed) K. TAKAHIRA. (Signed) ROSEN.

Note

The following is an official translation of the Japanese imperial proclamation issued February 10, 1904:

Japanese Declaration of War Against Russia.[1]—February 10, 1904

"We, by the grace of heaven, Emperor of Japan, seated on the throne occupied by the same dynasty from time immemorial, do hereby make proclamation to all our loyal and brave subjects as follows:

"We hereby declare war against Russia and we command our army and navy to carry on hostilities against that Empire with all their strength, and we also command all our competent authorities to make every effort, in pursuance of their duties and in accordance with their powers, to attain the national aim with all the means within the limits of the law of nations.

"We have always deemed it essential to international relations and made it our constant aim to promote the pacific progress of our Empire in civilization, to strengthen our friendly ties with other states, and to establish a state of things which would maintain enduring peace in the extreme East and assure the future security of our dominion without injury to the rights and interests of other powers. Our competent authorities have also performed their duties in obedience to our will, so that our relations with the powers have been steadily growing in cordiality. It was thus entirely against our expectation that we have unhappily come to open hostilities against Russia.

"The integrity of Korea is a matter of constant concern to this Empire, not only because of our traditional relations with that country, but because the separate existence of Korea is essential to the safety of our realm. Nevertheless Russia, in disregard of her solemn treaty pledges to China and her repeated assurances to other powers, is still in occupation of Manchuria and has consolidated and strengthened her hold upon those provinces and is bent upon their final annexation. And since the absorption of Manchuria

[1]Translation as printed in *For. Rel.*, 1904, p. 414.

by Russia would render it impossible to maintain the integrity of Korea and would, in addition, compel the abandonment of all hope for peace in the extreme East, we determined in those circumstances to settle the questions by negotiation and to secure thereby permanent peace. With that object in view, our competent authorities, by our order, made proposals to Russia, and frequent conferences were held during the course of six months. Russia, however, never met such proposals in a spirit of conciliation, but by her wanton delays put off the settlement of the question, and by ostensibly advocating peace on the one hand while she was on the other extending her naval and military preparations, sought to accomplish her own selfish designs.

"We can not in the least admit that Russia had from the first any serious or genuine desire for peace. She has rejected the proposals of our Government; the safety of Korea is in danger; the vital interests of our Empire are menaced. The guarantees for the future which we have failed to secure by peaceful negotiations, we can now only seek by an appeal to arms.

"It is our earnest wish that by the loyalty and valor of our faithful subjects peace may soon be permanently restored and the glory of our Empire preserved."

In connection with this treaty see also the protocol of armistice signed at Portsmouth, September 1, 1905, as follows:

Protocol of Armistice between Japan and Russia.[1]—September 1, 1905

"The undersigned Plenipotentiaries of Japan and Russia duly authorised to that effect, by their Governments have agreed upon the following terms of armistice between the belligerents, pending the coming into force of the Treaty of Peace:

"1. A certain distance (zone of demarcation) shall be fixed between the fronts of the armies of the two Powers in Manchuria as well as in the region of the Tomamko (Tumen).

"2. The naval forces of one of the belligerents shall not bombard territory belonging to or occupied by the other.

"3. Maritime captures will not be suspended by the armistice.

"4. During the term of the armistice reinforcements shall not be dispatched to the theatre of war. Those which are en route shall not be dispatched to the north of Mukden on the part of Japan and to the south of Harbin on the part of Russia.

"5. The commanders of the armies and fleets of the two Powers shall determine in common accord the conditions of the armistice in conformity with the provisions above enumerated.

"6. The two Governments shall give orders to their commanders immediately after the signature of the Treaty of Peace in order to put this protocol in execution.

"PORTSMOUTH, *1st September, 1905.*

"(Signed.) "JUTARO KOMURA.
"K. TAKAHIRA.
"SERGE WITTE.
"ROSEN."

[1]Translation from the French text printed on p. 96 of the Russian Orange Book containing protocols of the Portsmouth peace conference (St. Petersburg, 1906).

For the protocol of military armistice arranged between the respective commanders on September 13, 1905, and the protocol of naval armistice of September 18, 1905, see *For. Rel.*, 1906, p. 1085.

On October 30, 1905, the respective military authorities concluded the following Protocol of the procedure in withdrawing troops of the Japanese and Russian Armies from Manchuria, and transferring the Railways:

Protocol concerning withdrawal of Japanese and Russian Armies from Manchuria, and Transfer of Railways.[1]—October 30, 1905

"ARTICLE I. The following agreement has been concluded in accordance with the supplementary agreement relating to Article III of the treaty of peace between Japan and Russia at Portsmouth on September 5 of this year (August 23):

"1. The Japanese troops occupying the front positions in Manchuria shall be withdrawn within the zone of Fakumen, Chinchiatung, Changtu, Weiyanpaomen, and Fushun by December 31 (18), 1905. The Russian troops occupying the front positions in Manchuria shall be withdrawn within the zone of Itunchou, Yekhotien Weitzukou, Pamiencheng, and Shanchengtzu by the same date.

"2. By June 1 (May 19), 1906, the Japanese troops shall be withdrawn to the line of Fakumen, Tieling, and Fushun and to the south thereof, and the Russian troops to the line of Shanchengtzu, Kungshunglieng Railway Station, Itunchou, and to the north thereof.

"3. By August 1 (July 19), 1906, the Japanese troops shall be withdrawn to the line of Hsinmintun, Mukden, and Fushun, and to the south thereof; and the Russian troops to the line of Shanhotun, Kuanchengtzu, and Palipu, and to the north thereof.

"4. Neither of the two contracting powers shall have more than 250,000 combatants in Manchuria after April 15 (April 2), or 75,000 after October 15 (October 2), 1906. Both contracting powers are required to complete the withdrawal of their troops by April 15 (April 2), 1907.

"5. In accordance with supplementary agreement I to the treaty of peace, the number of guards to protect their respective railways in Manchuria shall be 15 per kilometer on the average.

"ART. II. For the purpose of transferring the railways, each of the two contracting powers shall appoint a commission consisting of three persons selected from officers and experts belonging to the section of military communication.

"The said commission shall commence its work between April 10 and 20, 1906 (new calendar); and the place and time of meeting shall be determined later.

"The transfer and receiving of railways south of Kuanchengtzu Station and those at Kuanchengtzu Station, as well as north thereof, shall be completed before June 1 (May 19), 1906, and August 1 (July 19), 1906, respectively.

"The determination of the extreme northern point of the railways to be transferred to Japan shall be left to diplomatic negotiations.

"The undersigned, having been duly empowered by the commanders in chief of the Japanese and Russian armies, hereby certify that they have made this protocol in duplicate in both the Japanese and the Russian lan-

[1]Translation as printed in *For. Rel.*, 1906, p. 189.

guages, and that each side keeps a text each in the Japanese and the Russian languages.

"Done at Sz-ping-kai Railway Station on October 30 (17), 1905.

"(Signed) MAJOR-GENERAL YASUMASA FUKUSHIMA,
Staff of the Japanese Army in Manchuria.

"(Signed) MAJOR-GENERAL OLANOVSKY,
Second in Command of the Staff of the Russian Army in Manchuria."

An accompanying memorandum relating to the crossing of the neutral zone between the Japanese and Russian armies is to be found in *For. Rel.*, 1906, p. 188.

With particular reference to the transfers provided for in Articles 5 and 6, see the treaty between Japan and China, December 22, 1905 (MACMURRAY, vol. I, p. 549). See also the political conventions between Japan and Russia of July 30, 1907 (*ibid.*, p. 657), July 4, 1910 (*ibid.*, p. 803), and July 3, 1916 (*ibid.*, vol. II, p. 1327).

No. 17

JAPAN AND KOREA

Convention providing for control of Korean foreign relations by Japan.—November 17, 1905

The Governments of Japan and Korea, desiring to strengthen the principle of solidarity which unites the two Empires, have with that object in view agreed upon and concluded the following stipulations to serve until the moment arrives when it is recognised that Korea has attained national strength:

ARTICLE I. The Government of Japan, through the Department of Foreign Affairs at Tokio, will hereafter have control and direction of the external relations and affairs of Korea, and the diplomatic and consular representatives of Japan will have the charge of the subjects and interests of Korea in foreign countries.

ART. II. The Government of Japan undertake to see to the execution of the treaties actually existing between Korea and the other Powers, and the Government of Korea engage not to conclude hereafter any act or engagement having an international character, except through the medium of the Government of Japan.

ART. III. The Government of Japan shall be represented at the Court of His Majesty the Emperor of Korea by a Resident General, who shall reside at Seoul, primarily for the purpose of taking charge of and directing matters relating to diplomatic affairs. He shall have the right of private and personal audience of His Majesty the

Emperor of Korea. The Japanese Government shall also have the right to station Residents at the several open ports and such other places in Korea as they may deem necessary. Such Residents shall, under the direction of the Resident General, exercise the powers and functions hitherto appertaining to Japanese Consuls in Korea and shall perform such duties as may be necessary in order to carry into full effect the provisions of this agreement.

ART. IV. The stipulations of all treaties and agreements existing between Japan and Korea not inconsistent with the provisions of this Agreement shall continue in force.

ART. V. The Government of Japan undertake to maintain the welfare and dignity of the Imperial House of Korea.

In faith whereof, the Undersigned duly authorized by their Governments have signed this Agreement and affixed their seals.

(Signed) HAYASHI GONSUKE, [SEAL]
Envoy Extraordinary and Minister Plenipotentiary.

The 17th day of the 11th month of the 38th year of Meiji.

(Signed) PAK CHE SOON, [SEAL]
Minister for Foreign Affairs.

The 17th day of the 11th month of the 9th year of Kwang-Mu.

No. 18

JAPAN AND KOREA

Agreement between Japan and Korea for exploitation of forests in the Yalu and Tumen regions.[1]*—October 19, 1906*

ARTICLE I. Forests in the regions of the Yalu and the Tumen shall be exploited by the Governments of Japan and Korea jointly.

ART. II. The capital to be employed for the exploitation of said forests is fixed at 1,200,000 *yen*, of which each Government shall contribute 600,000 *yen*.

ART. III. A special account shall be established for the work of exploitation of said forests as well as for the receipts and expenditures connected with such exploitation. A statement of said account shall be submitted to the two Governments annually.

[1]Translation as printed in *For. Rel.*, 1907, p. 771, from the Official Gazette, March 29, 1907.

ART. IV. All profits and losses connected with the exploitation shall be divided between the two Governments according to the amount of their respective contribution.

ART. V. In case any increase in the amount of the contribution provided in Article II is found necessary, it shall be arranged by mutual consent of the two Governments.

ART. VI. In case detailed provisions are found necessary in the execution of this Agreement, such provisions shall be determined by delegates to be appointed by the two Governments.

ART. VII. In case it is found necessary, in the course of the exploitation, to organize a company so as to enable the subjects of Japan and Korea to join in the undertaking, the two Governments shall determine by common accord the means to be adopted to effect such organization.

Done at Seoul, this 19th day of October, 1906.

(Signed) Marquis ITO,
Resident General.

(Signed) PAK-CHAI-SOON,
Minister President of State.

(Signed) MIN-YONG-KI,
Minister of Finance.

(Signed) KWON-CHUNG-HYUN,
Minister of Agriculture, Commerce and Industry.

Note

The decree of promulgation of the law of the special account of forestry enterprise in Korea and the text of the law itself are as follows:

The Law of Special Account of Forestry Enterprise in Korea.[1]—March 28, 1907

We hereby sanction and cause to be promulgated the law of the special account of forestry enterprise in Korea, which has received the approval of the Imperial Diet.

March 28, 1907.

(Sign manual) MARQUIS KIMMOCHI SAIONJI,
Prime Minister.

(Privy seal) UOSHIRO SAKATANI, LL. D.,
Minister of Finance.

LAW No. 24

ARTICLE I. A special account shall be established for the purpose of carrying on forestry enterprise along the banks of the Yalu River and the Tumen River, and the proceeds of the said enterprise shall be applied to the disbursements of the same.

ART. II. The capital of the special account of forestry enterprise in Korea shall be 1,200,000 *yen* of which one-half shall be furnished by the Korean Government.

The capital mentioned in the preceding paragraph may, if necessary, be transferred as needed from the general finances (of the Japanese Government) or be received from the Korean Government, but equipment used for the enterprise may be put up as the portion of capital to be supplied by either Government.

ART. III. The profit and loss of the enterprise for each fiscal year shall be shared by the general finances (of the Japanese Government) and by the Korean Government, according to their respective amounts of capital furnished as in the preceding article.

ART. IV. The Government shall every year draw up the estimates of the income and expenditure of the special account of forestry enterprise in Korea and submit the same to the Imperial Diet together with the general budget.

ART. V. The estimates of each fiscal year shall contain a reserve fund in order to respond to the call of any calamity, emergency or unexpected deficit.

ART. VI. The enterprise of the general account may, according to circumstances, be entrusted to a corporation the object of which is to carry on forestry enterprise.

ART. VII. The provisions relating to the receipts and disbursements of the present account are to be determined separately by an imperial ordinance.

SUPPLEMENTARY CLAUSE.

This law shall take effect on April 1, 1907.

No. 19

JAPAN AND KOREA

Convention concerning the Administration of Korea.[1]*—July 24, 1907*

The Governments of Japan and of Korea, desiring to speedily promote the wealth and strength of Korea and with the object of promoting the prosperity of the Korean nation, have agreed to the following terms:

1. In all matters relating to the reform of the Korean Administration the Korean Government shall receive instruction and guidance from the Resident-General.

2. In all matters relating to the enactment of laws and ordinances and in all important matters of administration, the Korean Government must obtain the preliminary approval of the Resident-General.

[1]Official English text issued from Tokyo Foreign Office.

3. There shall be clear differentiation of the Korean Executive and the Korean Judiciary.

4. In all appointments and removals of high officials the Korean Government must obtain the consent of the Resident-General.

5. The Korean Government shall appoint to be officials of Korea any Japanese subjects recommended by the Resident-General.

6. The Korean Government shall not appoint any foreigners to be officials of Korea without consulting the Resident-General.

7. The First Article of the Agreement signed on August 22nd, 1904,[1] shall be rescinded.

In witness of the above the undersigned Plenipotentiaries, duly accredited by their respective Governments, have signed the present Convention:

Done at Seoul, the 25th day of the 7th month of the 40th year of Meiji, corresponding to the 24th day of the 7th month of the 11th year of Kwangmu.

(Signed) Ito Hirobumi, Marquis;
Resident-General.
Yi Wanyong,
Prime Minister of Korea.

Note

The convention was actually signed at 1.00 a. m. on Thursday 25th of July, 1907, at the Residency General at Seoul. The Japanese date, as given in the text is correct, the Korean incorrect; some other versions of this convention give the date of signature as the 24th.

The following memorandum and agreement are appended to this document as printed in *For. Rel.*, 1907, pp. 773-4.

Memorandum from the Japanese Ambassador to the Secretary of State.[1]—July 26, 1907.

Japanese Embassy,
Washington, July 26, 1907.

Sir: In pursuance of instructions received from the Imperial Government of Japan, I have the honor to announce to the Government of the United States the conclusion of a new agreement between the Governments of Japan and Korea, a translation of which I beg to inclose herewith.

For your reference I may add that Article I of the protocol between Japan and Korea, signed on August 22, 1904[1]—this article abrogated by the agreement now concluded—reads as follows:

[1]See No. 12, *ante*.

"The Korean Government shall engage as financial adviser to the Korean Government a Japanese subject recommended by the Japanese Government, and all matters concerning finance shall be dealt with upon his counsel being taken."

Accept,

VISCOUNT S. AOKI.

No. 20

JAPAN AND KOREA

Memorandum concerning the administration of justice in Korea by Japanese courts.[1]*—July 12, 1909*

The Governments of Japan and Korea with a view to improve the administration of justice and prison in Korea thereby assuring protection for persons and property of Korean subjects as well as the subjects and citizens of foreign Powers in Korea and also to consolidate the basis of the Korean finance have agreed upon the following stipulations:

ARTICLE 1. Until the system of justice and prison in Korea shall have been recognized as complete, the Government of Korea delegates to the Government of Japan the administration of justice and prison.

ART. 2. The Government of Japan shall appoint the officers of the Japanese courts and prison in Korea from among Japanese and Korean subjects having the necessary qualifications for the posts.

ART. 3. Japanese courts in Korea shall apply Korean laws to Korean subjects except in cases specially provided for in agreements or in laws and ordinances.

ART. 4. Korean local authorities and public functionaries shall according to their respective functions, submit to control and direction of Japanese competent authorities in Korea and render assistance to those authorities in respect to administration of justice and prison.

ART. 5. The Government of Japan shall bear all expenses connected with administration of justice and prison in Korea.

In witness whereof the undersigned duly authorized by their respective Governments have signed and sealed and exchanged the present memorandum drawn up in duplicate both in Japanese and Korean languages.

[1]Translation communicated to State Department by Japanese Ambassador, July 17, 1909. The memoradum is dated July 12, 1909, and signed by Viscount Sone, Resident-General in Korea, and Li Kwan Yo, Korean Minister President.

No. 21

JAPAN AND KOREA

Memorandum concerning the organization of police offices.[1]*—June 24, 1910.*

The Governments of Japan and Korea, with a view of completing the improvements of the Korean police system and to strengthening the foundation of Korea's finances, have agreed upon the following stipulations:

ARTICLE I. Until such time as the police system of Korea is considered to be complete, the Government of Korea shall intrust its police affairs to the Government of Japan.

ART. II. With regard to the police affairs of the Korean imperial palace, the minister of the imperial household shall, when necessary, manage them by consulting the official concerned.

In witness whereof the undersigned, duly authorized by their respective Governments, have signed, sealed, and exchanged the present memorandum, drawn up in duplicate, both in the Japanese and in the Korean languages.

VISCOUNT MASATAKE TERAUCHI,
Resident-General.

Twenty-fourth day of the six month of the forty-third year of Meiji (June 24, 1910).

PAK CHE SOON,
Acting Prime Minister, Minister of Interior.

Twenty-fourth day of the sixth month of the fourth year of Lyung Heni.

Note

The decrees of promulgation of the imperial ordinances relating to the police offices of the residency general areas follows:

Regulations relating to the organization of the police offices of the residency general.—June 29, 1910.

We hereby sanction and cause to be promulgated the regulations relating to the organization of the police offices of the residency general.

SIGN MANUAL.
June 29, 1910. PRIVY SEAL.
(Countersigned) MARQUIS TARO KATSURA,
Prime Minister.
(Countersigned) VISCOUNT MASATAKE TERAUCHI,
Minister of War.

[1]Translation as printed in *For. Rel.*, 1910, pp. 678-680.

Imperial Ordinance No. 296

Article I. The police offices of the residency general shall, subject to the control of the resident general, take charge of police affairs in Korea.

Art. II. The police offices of the residency general shall consist of the inspectorate general of police, provincial headquarters of police, and police stations.

Art. III. The inspectorate general of police shall be established in Seoul and shall have general control over police affairs in Korea. It shall also take charge of police affairs in the imperial palace in the city of Seoul.

Art. IV. The locations and spheres of jurisdiction of the provincial headquarters of police and police stations shall be determined by the resident general.

Art. V. The police offices of the residency general shall have the following personnel:

One inspector general of police, Chokunin rank.
Two police commissioners, Sonin rank (one may be of Chokunin rank).
Chiefs of provincial headquarters of police,[1] Sonin rank.
Fifty-two police inspectors, Sonin rank.
Chief of police stations.[1]
Three interpreters, Sonin rank.
One expert.
Sixty-eight police surgeons, Sonin or Hannin rank.
Three hundred and fifty-seven clerks, police sergeants, assistant experts, student interpreters—Hannin rank.

Art. VI. The inspector general of police shall be the general in command of the gendarmes stationed in Korea.

The inspector general of police, as chief of the inspectorate general of police, shall have general control of the business of the inspectorate under the instruction of the resident general, and shall direct and supervise the staffs of the police officers.

Art. VII. The police commissioners shall take charge of the business of the inspectorate under the instruction of their superiors.

Art. VIII. The chiefs of provincial headquarters of police shall be the field officers of gendarmerie in command of the gendarmes in the various Provinces. They shall, under the instruction of the inspector general of police, manage the business of their respective headquarters, and shall direct and supervise the staffs of their respective headquarters as well as those of the police stations within their respective jurisdictions.

Art. IX. The inspector general of police and the chiefs of provincial headquarters of police may issue of their own motion, or by authorization, orders valid respectively in Seoul and within the latter's spheres of jurisdiction.

Art. X. The chiefs of police stations shall be either police inspectors or police sergeants. Under the instruction of their superiors they shall manage the business of their respective stations, and shall direct and supervise their respective staffs.

Art. XI. The police inspectors shall, under the instruction of their superiors take charge of police affairs, and shall direct and supervise those subordinate to them.

[1]Number to be determined later.—Translator's note.

ART. XII. The interpreters shall take charge of translation and interpretation under the instruction of their superiors.

ART. XIII. The expert shall take charge of technical matters under the instruction of his superiors.

ART. XIV. The police surgeons shall, under the instruction of their superiors, take charge of medical affairs connected with the police.

ART. XV. The clerks shall engage in miscellaneous business under the direction of their superiors.

The police sergeants shall, under the direction of their superiors, engage in police affairs, and shall direct and supervise those subordinate to them.

The assistant experts shall engage in technical matters under the direction of their superiors.

The student interpreters shall engage in translation and interpretation under the direction of their superiors.

ART. XVI. The police offices shall have policemen and assistant policemen. Policemen shall be accorded the treatment due to Hannin officials, and the treatment of assistant policemen shall follow that accorded to assistant gendarmes.

The regulations relating to policemen and assistant policemen shall be determined by the resident general.

SUPPLEMENTARY CLAUSES

This ordinance shall take effect on July 1, 1910.

The regulations relating to the organization of judicial police of the residency general are hereby revoked.

Those who actually hold the positions of police inspector or police sergeants of the resident general at the time of operation of this ordinance shall be regarded as having been appointed police inspectors or police sergeants of the residency general with the same official ranks and salaries.

Regulations relating to the appointment, etc., of Korean subjects to police offices of the residency general.—June 29, 1910.

We hereby sanction and cause to be promulgated the regulations relating to the appointment, standing, and pay of Korean subjects constituting the staffs of the police offices of the residency general, regarding which the privy council has been consulted.

SIGN MANUAL.
June 29, 1910. PRIVY SEAL.

(Countersigned.) MARQUIS TARO KATSURA,
Prime Minister.

IMPERIAL ORDINANCE NO. 303

ARTICLE I. Korean subjects coming under the following categories may, upon examination by the board of examiners for the higher civil service, be specially appointed as possible commissioners or police inspectors of the residency general:

1. Those who have taken law courses for three years or more at any imperial university, special school (Semmon Gakko), or Korean Government school.

2. Those who have been in the Korean police service for five years or more and are actually holding positions with salary of the fifth grade or more for Hannin officials of Korea.

ART. II. Korean subjects who are qualified to be general civil service officials of the Hannin rank in accordance with the legal provisions of Korea may, upon examination by the board of examiners for the ordinary civil service, be specially appointed as clerks or police sergeants of the police offices of the residency general.

ART. III. The ordinance relating to the standing of civil officials shall not apply to officials who are Korean subjects.

ART. IV. The pay for officials who are Korean subjects shall follow the accompanying list, and their official rank shall follow those of Japanese subjects.

ART. V. The provisions relating to traveling expenses for officials who are Korean subjects shall be determined by the residency general.

SUPPLEMENTARY CLAUSES

This ordinance shall take effect on July 1, 1910.

Korean subjects in the Korean police service at the time of operation of this ordinance may specially be appointed as police commissioners of the residency general in case of deputy inspectors general of police, as police inspectors of the residency general in case of police inspectors, and as police sergeants of the residency general in case of police sergeants.

In the cases mentioned in the preceding paragraph the provisions of article 4 of the ordinance relating to the official ranks and salaries of higher officials need not be followed.

ANNUAL SALARIES OF HIGHER OFFICIALS

	Yen
Grade 1	1,800
Grade 2	1,600
Grade 3	1,400
Grade 4	1,200
Grade 5	1,000
Grade 6	900
Grade 7	800
Grade 8	700
Grade 9	600
Grade 10	500

MONTHLY SALARIES OF HANNIN OFFICIALS

	Yen
Grade 1	50
Grade 2	45
Grade 3	40
Grade 4	35
Grade 5	30
Grade 6	25
Grade 7	20
Grade 8	15
Grade 9	12
Grade 10	10

No. 22

KOREA AND JAPAN

Treaty of annexation, proclamation, and accompanying documents.[1] *—August 22, 1910*

THE PROCLAMATION

Nothwithstanding the earnest and laborious work of reforms in the administration of Korea in which the Governments of

[1]Text of treaty and proclamation as given in the *London Times* (Weekly Editon), September 2, 1910.

Japan and Korea have been engaged for more than four years since the conclusion of the Agreement of 1905, the existing system of government in that country has not proved entirely equal to the duty of preserving public order and tranquility; and in addition, the spirit of suspicion and misgiving dominates the whole peninsula.

In order to maintain peace and stability in Korea, to promote the prosperity and welfare of Koreans, and at the same time to ensure the safety and repose of foreign residents, it has been made abundantly clear that fundamental changes in the actual *regime* of government are absolutely essential. The Governments of Japan and Korea, being convinced of the urgent necessity of introducing reforms responsive to the requirements of the situation and of furnishing sufficient guarantee for the future, have, with the approval of his Majesty the Emperor of Japan and his Majesty the Emperor of Korea, concluded, through their respective plenipotentiaries, a treaty providing for complete annexation of Korea to the Empire of Japan. By virtue of that important act, which shall take effect on its promulgation on August 29, 1910, the Imperial Government of Japan undertake the entire government and administration of Korea, and they hereby declare that the matters relating to foreigners and foreign trade in Korea shall be conducted in accordance with the following rules:

1. Treaties hitherto concluded by Korea with foreign Powers ceasing to be operative, Japan's existing treaties will, so far as practicable, be applied to Korea. Foreigners resident in Korea will, so far as conditions permit, enjoy the same rights and immunities as in Japan proper, and the protection of their legally acquired rights subject in all cases to the jurisdiction of Japan. The Imperial Government of Japan are ready to consent that the jurisdiction in respect of the cases actually pending in any foreign Consular Court in Korea at the time the Treaty of Annexation takes effect shall remain in such Court until final decision.

2. Independently of any conventional engagements formerly existing on the subject, the Imperial Government of Japan will for a period of ten years levy upon goods imported into Korea from foreign countries or exported from Korea to foreign countries and upon foreign vessels entering any of the open ports of

Korea the same import or export duties and the same tonnage dues as under the existing schedules. The same import or export duties and tonnage dues as those to be levied upon the aforesaid goods and vessels will also for a period of ten years be applied in respect of goods imported into Korea from Japan or exported from Korea to Japan and Japanese vessels entering any of the open ports of Korea.

3. The Imperial Government of Japan will also permit for a period of ten years vessels under flags of the Powers having treaties with Japan to engage in the coasting trade between the open ports of Korea and between those ports and any open ports of Japan.

4. The existing open ports of Korea, with the exemption of Masampo, will be continued as open ports, and in addition Shiwiju will be newly opened so that vessels, foreign as well as Japanese, will there be admitted and goods may be imported into and exported from these ports.

The Treaty

The Majesty the Emperor of Japan and his Majesty the Emperor of Korea, having in view the special and close relations between their respective countries, desiring to promote the common weal of the two nations and to assure the permanent peace in the Extreme East, and being convinced that these objects can be best attained by the annexation of Korea to the Empire of Japan, have resolved to conclude a treaty of such annexation and have, for that purpose, appointed as their plenipotentiaries, that is to say, his Majesty the Emperor of Japan Viscount Masakata Terauchi, his Resident-General, and his Majesty the Emperor of Korea Ye Wan Yong, his Minister President of State, who upon mutual conference and deliberation have agreed to the following articles:

Article I. His Majesty the Emperor of Korea makes the complete and permanent cession to his Majesty the Emperor of Japan of all rights of sovereignty over the whole of Korea.

Art. II. His Majesty the Emperor of Japan accepts the cession mentioned in the preceding article and consents to the complete annexation of Korea to the Empire of Japan.

ART. III. His Majesty the Emperor of Japan will accord to their Majesties the Emperor and ex-Emperor and his Imperial Highness the Crown Prince of Korea and their consorts and heirs such titles, dignity, and honour as are appropriate to their respective ranks, and sufficient annual grants will be made for the maintenance of such titles, dignity and honour.

ART. IV. His Majesty the Emperor of Japan will also accord appropriate honour and treatment to the members of the Imperial House of Korea and their heirs other than those mentioned in the preceding article, and the funds necessary for the maintenance of such honour and treatment will be granted.

ART. V. His Majesty the Emperor of Japan will confer peerage and monetary grants upon those Koreans who, on account of meritorious services, are regarded as deserving such special recognition.

ART. VI. In consequence of the aforesaid annexation the Government of Japan assume the entire government and administration of Korea, and undertake to afford full protection for the persons and property of Koreans obeying the laws there in force to promote the welfare of all such Koreans.

ART. VII. The Government of Japan will, so far as circumstances permit, employ in the public service of Japan in Korea those Koreans who accept the new *regime* loyally and in good faith and who are duly qualified for such service.

ART. VIII. This treaty, having been approved by his Majesty the Emperor of Japan and his Majesty the Emperor of Korea, shall take effect from the date of its promulgation.

In faith thereof, &c.

Note

The following is a translation of the notes transmitted by the Japanese Ambassador to the Secretary of State, August 24, 1910:

The Japanese Ambassador to the Secretary of State.—August 24, 1910

"IMPERIAL JAPANESE EMBASSY,
"Washington, August 24, 1910.

"SIR: Under instructions of my Government I have the honor to communicate to you herewith a copy of the English translation of the Treaty annexing Korea to the Empire of Japan, which was signed on the 22d instant by Viscount Terauchi, Japanese Resident-General in Korea, and Mr.

Ye Wan Yong, Korean Minister President of State, together with a declaration of my Government on matters relating to foreigners and foreign trade in Korea.

"Accept, etc.

"Y. UCHIDA."

"IMPERIAL JAPANESE EMBASSY,
"Washington, August 24, 1910.

"SIR: Under instructions of my Government I have the honor to make to you the following communication on the subject of the protection in Korea of inventions, designs, trade-marks, and copyrights:

"The Imperial Government, in addition to the announcement which they have made respecting the annexation of Korea and the treatment which, in view of the new condition of things, is hereafter to be accorded in Korea to the subjects and citizens of foreign powers and to their commerce and navigation, have the honor to acquaint the United States Government that, in consequence of such annexation, the laws of Japan concerning inventions, designs, trade-marks, and copyrights are extended to Korea in place of the laws hitherto in force in Korea on the same subjects, and that the special office established in Korea to deal with such industrial and literary properties is abolished and the duties heretofore performed by it are, in the future, to be undertaken by the appropriate governmental bureau in Tokyo. As a result of these measures, a single registration in Tokyo and the payment of a single fee will hereafter be sufficient to secure due protction in Korea as well as in Japan proper. It is only necessary to add that rights now existing in Korea in virtue of registrations already effected or applications already deposited in pursuance of the convention between Japan and the United States, dated May 19, 1908, will continue to be duly respected in Korea.

"Accept, etc.

"Y. UCHIDA."

The following is a cable from the Foreign Office at Tokyo to the Japanese Embassy at London and published in the *London Times* (Weekly edition):

"The Government of Chosen.

"1. Korea shall hereafter be named "Chosen."

"2. The Government-General shall be established in Chosen.

"3. The Residency-General and its accessory offices will be in existence for the present, and the Resident-General will exercise the functions of the Governor-General.

"4. The issue of special passports for the people of Chosen is abolished, and hereafter the Chosens will be treated on an equal footing as the Japanese in the matter.

"At the same time as the promulgation of the Annexation Treaty, which took place to-day, an Imperial Rescript was issued granting amnesty to a number of prisoners, both of grave and minor offences, on account of extenuating circumstances, and also granting diminution or exemption of the taxes non-paid in past years and taxes to be collected during this year."

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